



# PROPOSED RULE MAKING

## CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: March 27, 2020

TIME: 10:39 AM

WSR 20-08-081

**Agency:** Washington Utilities and Transportation Commission

**Original Notice**

**Supplemental Notice to WSR** \_\_\_\_\_

**Continuance of WSR** \_\_\_\_\_

**Preproposal Statement of Inquiry was filed as WSR** 19-21-016 ; or

**Expedited Rule Making--Proposed notice was filed as WSR** \_\_\_\_\_; or

**Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

**Proposal is exempt under RCW** \_\_\_\_\_.

**Title of rule and other identifying information:** (describe subject) WAC 480-109, Electric Companies – Acquisition of Minimum Quantities of Conservation and Renewable Energy as Required by the Energy Independence Act. This rulemaking, filed in Docket UE-190652, will address changes to WAC 480-109. These changes include amendments to clarify or streamline the rules, incorporate changes to the Energy Independence Act (EIA) found in the Laws of 2019, Chapter 288, which were passed as Engrossed Second Substitute Senate Bill 5116 (E2SSB 5116, portions of which are now codified in RCW 19.405), and changes from the Laws of 2017, Chapter 315, which were found in Engrossed Senate Bill 5128 (ESB 5128).

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
June 2, 2020	1:30 p.m.	Richard Hemstad Hearing Room, Room 110 621 Woodland Square Loop SE, Lacey, WA, 98503	Public hearing to consider adoption of the proposed rules. To join by phone, call (360 407-3810 and enter Conference ID: 8037806.

**Date of intended adoption:** June 2, 2020 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Executive Director and Secretary  
Address: P.O. Box 47250, Olympia, WA, 98504-7250  
Email: records@utc.wa.gov  
Fax:  
Other:  
By (date) May 1, 2020

**Assistance for persons with disabilities:**

Contact Susan Holman  
Phone: (360) 664-1243  
Fax:  
TTY: (360) 586-8203  
Email: susan.holman@utc.wa.gov  
Other:  
By (date) May 1, 2020

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The proposed rules implement legislative changes made in 2017 and 2019 and streamline implementation of chapter 19.285 RCW. The proposed amendments modify or add definitions, incorporate language pertaining to energy assistance, change the manner in which utility low-income programs operate, amend the renewable portfolio standard compliance and reporting rules, and amend the energy and emission intensity reporting rules.

**Reasons supporting proposal:** The Washington Legislature in 2019 passed the Clean Energy Transformation Act, which included among its provisions several amendments to the Energy Independence Act. The primary reason for this rulemaking is to codify these amendments in the current Energy Independence Act rules in WAC 480-109. The rulemaking will also codify changes made in the 2017 legislative session through ESB 5128. Finally, the rulemaking will make a number of other amendments that help streamline the implementation of the Energy Independence Act.

**Statutory authority for adoption:** RCW 80.01.040, 80.04.160, 19.285.080, and 19.405.100

**Statute being implemented:** RCW 19.405.020, 19.405.070, 19.405.120, 19.285.030, and 19.285.040

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** The Commission has no comments or recommendations.

**Name of proponent:** (person or organization) Washington Utilities and Transportation Commission  Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Andrew Rector	621 Woodland Square Loop SE, Lacey, WA 98503	(360) 664-1315
Implementation:	Mark L. Johnson	621 Woodland Square Loop SE, Lacey, WA 98503	(360) 664-1115
Enforcement:	Mark L. Johnson	621 Woodland Square Loop SE, Lacey, WA 98503	(360) 664-1115

**Is a school district fiscal impact statement required under RCW 28A.305.135?**  Yes  No  
If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:  
Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

No: Please explain: The Utilities and Transportation Commission is not an agency to which RCW 34.05.328 applies.

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_\_.

Explanation of exemptions, if necessary:

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**


If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. The proposed rule amendments apply to Washington's electric investor-owned utilities, and they are not considered small businesses under RCW 19.85(3). A small business economic impact statement questionnaire for this rulemaking was released on January 16, 2020. It received no responses.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

<b>Date:</b> March 27, 2020	<b>Signature:</b> 
<b>Name:</b> Mark Johnson	
<b>Title:</b> Executive Director and Secretary	