



Bob Ferguson
ATTORNEY GENERAL OF WASHINGTON

Public Counsel

800 Fifth Ave • Suite 2000 • MS TB-14 • Seattle, WA 98104-3188 • (206) 464-7744

June 29, 2022

SENT VIA WUTC WEB PORTAL

Amanda Maxwell
Executive Director and Secretary
Washington Utilities and Transportation Commission
621 Woodland Square Loop SE
Lacey, WA 98503

Re: *2020-2021 Biennial Conservation Reports* from Avista Corporation d/b/a Avista Utilities, Docket UE-190912, PacifiCorp d/b/a Pacific Power & Light Company, Docket UE-190908, and Puget Sound Energy, Docket UE-190905

Dear Director Maxwell:

The Public Counsel Unit of the Washington State Attorney General's Office (Public Counsel) respectfully submits these comments in response to the Notice of Opportunity to Comment on Electric Utility Energy Independence Act Reports Concerning Conservation. Public Counsel believes that the Washington Utilities and Transportation Commission (UTC or Commission) should issue an order finding that the reports filed by Avista Corporation d/b/a Avista Utilities, PacifiCorp d/b/a Pacific Power & Light Company, and Puget Sound Energy (collectively the Companies) have complied with the requirements for biennial conservation reports.

Public Counsel's Recommendation

Public Counsel recommends the Commission should issue an order finding that the reports filed by Avista Utilities, PacifiCorp, and Puget Sound Energy have complied with the requirements for biennial conservation reports.

Public Counsel serves on the conservation or demand side management advisory groups for Avista, PacifiCorp, and Puget Sound Energy. We have participated in the meetings and discussion surrounding the companies' conservation programs, including updates on how the companies' adaptively managed the programs throughout the COVID-19 pandemic and subsequent supply chain complications. Public Counsel reviewed the biennial conservation reports for all of the utilities and found no major concerns.

To: Amanda Maxwell, Executive Secretary
Re: 2020-2021 Biennial Conservation Reports from Avista Corporation d/b/a Avista Utilities, Docket UE-190912, PacifiCorp d/b/a Pacific Power & Light Company, Docket UE-190908, and Puget Sound Energy, Docket UE-190905
Date: June 29, 2022
Page 2 of 2

Though the Companies did not meet their original conservation targets, Public Counsel believes that they comply with their biennial acquisition targets for cost effective conservation per RCW 19.285.040. In 2021, the Washington Legislature amended RCW 19.285.040 to add language that a utility is “considered in compliance with its biennial acquisition target for cost-effective conservation in (b) of this subsection if events beyond the reasonable control of the utility that could not have been reasonably anticipated or ameliorated prevented it from meeting the conservation target.”¹ The statute specifies which events that qualify include: “(i) Natural disasters resulting in the issuance of extended emergency declarations; (ii) the cancellation of significant conservation projects; and (iii) actions of a governmental authority that adversely affects the acquisition of cost-effective conservation by the qualifying utility.”² The COVID-19 pandemic and supply chain complications and shortages have certainly impacted how the utilities were able to deliver conservation and demand side management programming, but we appreciate the efforts of all the utilities to keep their advisory groups informed and to adaptively manage for changing conditions.

We appreciate the opportunity to provide comments and look forward to reviewing other stakeholder comments and further discussion at the open meeting. If you have any questions, please contact Stephanie Chase at Stephanie.Chase@ATG.WA.GOV, Shay Bauman at Shay.Bauman@ATG.WA.GOV, or Aaron Tam at Aaron.Tam@ATG.WA.GOV.

Sincerely,



NINA M. SUETAKE, WSBA No. 53574
Assistant Attorney General
Public Counsel Unit
(206) 389-2055
Nina.Suetake@ATG.WA.GOV

¹ RCW 19.285.040(1)(e); H.B. 1446, Chapter 79, 67th Leg., 2021 Reg. Sess. (Wash. 2021).

² RCW 19.285.040(1)(e).