

Docket number of this proceeding: UE-210183

Commenting party's name: James Adcock, Electrical Engineer

The title and date of the comment or comments:

Comments of James Adcock Regards UE-210183 1/26/2024

Let us start by putting into context the Human Lives Lost Cost of Washington State Electrical Utilities' continued delays in reducing Emitting Generation, calculating:

Natural Gas Use in Generation of Electricity, Washington State (2022) 100,423,000 (Mcf) [EIA]

0.0549 metric tons of CO₂/Mcf = 5,513,222.7 Metric Tons Emissions from that NG Usage.
[EPA]

4,434 Metric Tons Cost One Human Life [R. Daniel Bressler, "The Mortality Cost of Carbon", Nature Communications, 2021]

Or, In Other Words:

1,243 Human Lives Lost Per Year at Current Rate of Emissions from Natural Gas Generation of Electricity in Washington State.

Such continued use of Emitting Generation in Washington is not "Safe." It is not "Sane." And it is no way "Just and Reasonable."

1. Should retained nonpower attributes be allowed to be used toward the 80 percent compliance option?

"Retained nonpower attributes" are simply Renewable Energy Credits [RECs] created by the Washington State Utility itself when it "strips" those attributes from the underlying energy, not actually "using" that energy but rather selling that energy to some other utility to use, and then retaining [not selling] that "Retained" REC. Or if the Washington State Utility acquires contractual "ownership" of such power anywhere in the Western USA, even for a microsecond, then Washington State Utilities and Only Washington State Utilities are allowed to perform such a "strip" and "Retain" that REC towards the 80% primary compliance. This is in comparison to any other Utility or Renewable Energy Generator which creates a REC in an identical manner – but then is not allowed to create such a special "Super Power" "Retained REC". What UTC is tentatively proposing is that Washington State Utilities, and only such Washington State Utilities, be given a special "Super Power" where they alone are allowed to create such "Retained RECs" that can be used towards the 80% compliance. There is nothing in CETA which makes any such exception. On the contrary, 80% of electricity delivered to the Washington State Customers must actually be "clean" – renewable or non-emitting. On what basis does UTC suggest creating two different classes of RECs in this manner, and on what basis

does UTC give Washington State Utilities, and only Washington State Utilities, this special “Super Power?” I don’t see any basis for giving Washington State Utilities, and only Washington State Utilities, such unique “Super Powers.”

2. If retained nonpower attributes are not allowed to be used towards the 80 percent compliance obligation, how would this change affect a utility’s planning processes, costs, and operations? What impact would this restriction have on customers?

I believe if “Retained RECs” aka “retained nonpower attributes” are not allowed towards the 80 percent compliance obligation that would mean that a Washington State Utility would actually be required to reduce GHG emissions, and would actually be required to really “use” renewable or non-emitting electricity to be delivered to their actual customers and to be consumed behind those customers’ meters. But: I believe this is already the clear meaning of CETA as written.

If “Retained RECs” were allowed, then in practice the Washington State Utility would continue to be allowed to generate more than 20% of their delivered power to customers from [say] Natural Gas, by contractually “buying” Renewable Energy with an attached REC from some other supplier in the PNW or the West, “stripping” that REC, retaining that REC to create a “Super Power” “Retained REC”, and then selling such power without actually “using” it to provide renewable energy power for their customers to actually consume. Then the Washington State Utility shows UTC the “Retained RECs” claiming to have met the 80% standard, while actually continuing to generate more than 20% of their actual power actually delivered to their Washington State Customers, for consumption by those customers, from [say] Natural Gas.

I believe it is generally accepted that the language of CETA clearly prohibits the use of such proposed “Retained REC” concept for the 2045 “100% clean” requirements. So, the practical effect of not allowing the “Retained REC” concept is to require Washington State Utilities to acquire enough new Renewable Energy to actually meet the 80% requirement by 2030, rather than actually being able to defer any such real requirement until 2045. Since there currently does not seem to be any real enforcement of “Glidepath” “Reasonable Progress” of Renewable Energy Generation Capabilities towards the 2030 goals, this in turn also suggests that if the “Retained RECs” were allowed, then Washington State Utilities would be allowed to “Foot Drag” – not making any real progress towards acquiring additional Renewable Energy – until 2045. And, at which point in time, I suggest, Washington State Utilities will be so far behind towards meeting the 2045 100% requirement that they will then simply tell everyone that it is now impossible to meet those goals. What then has happened is that in practice Washington State Utilities have been allowed to defeat CETA by simply engaging in “Foot Dragging” – never really making any real progress towards the 2045 100% real requirement, and the root cause of that failure is [if] UTC allowed the use of “Retained RECs” aka “retained nonpower attributes”.

3. If retained nonpower attributes are not allowed to be used in planning for compliance towards the 80 percent compliance obligation, but are allowed to be used for compliance, how would this affect a

utility's planning processes, costs, and operations? What impact would this restriction have on customers?

So, the practical effect of not allowing "Retained RECs" aka "retained nonpower attributes" is to require Washington State Utilities to actually acquire and actually use Renewable Energy, and to do so on a "Reasonable Progress" "Glidepath" to 80% at 2030, and to 100% in 2045. I believe this is the clearly stated legislative intent of CETA. As such the use of "Retained RECs" aka "retained nonpower attributes" should not be allowed – since in practice they defeat the legislative intent of CETA.

If a utility engages in a day-ahead market, such as SPP's Markets+ or CAISO's Extended Day-Ahead Market, how would a restriction on retained nonpower attributes affect market participation?

With the "Retained REC" aka "retained nonpower attributes" concept, Washington State UTC grants Washington State Utilities, and only Washington State Utilities, the "Super Power" to create such "Retained RECs" – even if they merely contractually acquire for one microsecond the bundled renewable energy from non-utility generators, or Utilities in Other States, in order to perform such a "Super Power" "strip." How can it be, in an "orderly market" across many states, that the Washington State UTC grants Washington State Utilities, and only Washington State Utilities, the magical "Super Power" to create these "Super Power" "Retained RECs" which contrary to the plain language of CETA can be applied to the 80% primary compliance requirement of CETA? Why then are not Renewable Generators or Utilities in other States given the same "Super Power" to generate "Retained RECs" for use in Washington State?

Effectively Washington State UTC would be restricting Renewable Generators, and Utilities in other States, from equal participation in these markets – because any RECs that they create would not be allowed to have the Washington "Super Power" "Retained" REC designation that can be used for the 80% primary compliance.

I'm no lawyer, but doesn't this for example raise "Commerce Clause" issues?

In closing, I suggest again, that the "Retained REC" concept, even if called "retained nonpower attributes" – same exact meaning – is unworkable in practice, and contrary to the clear language of CETA law. Neither "Retained RECs", "Retained Nonpower Attributes", nor any other "Alternative Compliance" can be used to meet the 80% 2030 requirements. The only thing that actually meets those requirements is real non-emitting or renewable electricity, actually delivered to Washington State Customer Meters, and consumed by those Customers behind those Meters. Ask any utility sales department what it means to "use" electricity – it means that electricity actually flowed through the customer meter. Imagine if I were to claim to that sales department that I didn't "use" that electricity, what would they say? They would say: "Yes you did *use* that electricity – we can see from your meter that electricity *flowed through your meter*, so you did *use* it!"

James Adcock

Electrical Engineer / Ratepayer

5005 155th PL SE

Bellevue WA 98006

jimad@msn.com