



PROPOSED RULE MAKING

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

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: August 20, 2018

TIME: 11:30 AM

WSR 18-17-134

Agency: Washington Utilities and Transportation Commission

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 17-21-097 ; 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) The Washington Utilities and Transportation Commission has been engaged in this rulemaking to adopt a new chapter in WAC 480 to implement ESSB 5939 by establishing rules governing community solar companies. At this time, the Commission proposes WAC 480-103, Community Solar Companies.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
September 26, 2018	1:30 p.m.	Richard Hemstad Building Room 206 1300 S. Evergreen Park Dr. SW Olympia, WA 98503	Public hearing to consider adoption of proposed rules

Date of intended adoption: September 26, 2018 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Washington Utilities and Transportation Commission
Address: 1300 S Evergreen Park Drive S.W., Olympia, WA 98504-7250
Email: records@utc.wa.gov
Fax: 360-586-1150
Other:
By (date) September 21, 2018

Assistance for persons with disabilities:

Contact Ashley Miller
Phone: 360-664-1130
Fax: 360-586-1150
TTY: 360-586-8230 or 360-664-1132
Email: ashley.miller@utc.wa.gov
Other:
By (date) September 14, 2018

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Commission proposes to adopt new rules governing community solar companies.

Reasons supporting proposal: The Commission was required to adopt new rules governing community solar companies in order to implement ESSB 5939..

Statutory authority for adoption: RCW 34.05.020

Statute being implemented: RCW 80.01.040

Is rule necessary because of a:

- Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

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:	Gregory J. Kopta	1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504	360-664-1355
Implementation:	Mark L. Johnson	1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504	360-664-1115
Enforcement:	Mark L. Johnson	1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504	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 Commission is not an agency to which RCW 34.05.328 applies. The proposed rules are not significant legislative rules of the sort referenced in RCW 34.05.328(5).

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 rules implement the legislative requirement that the commission register community solar companies and provide appropriate consumer protections. The proposed rules adopt regulations that are comparable to the registration and consumer protection safeguards that the commission has adopted for other regulated industries and that have been in place for many years. The commission issued a notice requesting information on the costs companies anticipate they would incur as a result of the proposed rules. The commission received no responses. The commission is otherwise unaware that such regulations impose more-than-minor costs or that any costs disproportionately impact small businesses. The commission, therefore, concludes that the proposed rules will not impose more-than-minor costs on businesses.

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: Washington Utilities and Transportation Commission
Address: 1300 S. Evergreen Park Dr. SE, Olympia, WA 98504
Phone: 360-664-1160
Fax: 360-586-1150
TTY: 360-586-8230 or 360-664-1132
Email: records@utc.wa.gov
Other:

Date: August 20, 2018
Name: Mark L. Johnson
Title: Executive Director and Secretary

Signature:
