Markets and CETA Compliance Rulemaking | UE-210183
Summary of Comments, November 2023 – April 2025

Introduction

This document summarizes and responds to comments that have been received by the Commission throughout the latest CR-101 phase of this rulemaking, ranging from November 2023 to April 2025.

In this document, past iterations of the draft rules are referred to by the corresponding month and year in which comments were due. The draft rules that the Commission proposes are referred to as the Proposed CR-102 Draft Rules.

Over the course of this CR-101 phase, definitions have changed to reflect market mechanisms that continue to be developed. The Proposed CR-102 Draft Rules aim to enable full day-ahead market participation by Washington's investor-owned utilities (IOUs) that are regulated by the Commission without compromising the accounting of the Clean Energy Transformation Act (CETA).

The Proposed CR-102 Draft Rules do not implement the monthly use cap, or other regulations explicitly designed to limit instances of resource shuffling. However, additional monitoring requirements are added to WAC 480-100-650 so that the Commission has access to data that will allow this issue to be monitored.

In instances where the Commission and Staff do not share the same opinion, the responses below note the positions of Commission and Staff separately.

Commenting Parties

The following table lists the commenters for this CR-101 process since November 24, 2023, and the abbreviations used to identify them in the comment matrix.

Commenting Party	Shorthand Reference
Western Power Trading Forum	WPTF
Avista	AVA

Alliance of Western Energy Consumers	AWEC
Bonneville Power Administration	BPA
Northwest Intermountain Power Producers Coalition	NIPPC
PacifiCorp	PAC
Public Generating Pool	PGP
Puget Sound Energy	PSE
Joint Environmental Advocates (NWEC, CS, RNW)	JEA
Renewable Northwest	RNW
Northwest Energy Coalition	NWEC
Climate Solutions	CS
Center for Resource Solutions	CRS
Public Counsel	PC
James Adcock	James Adcock

Comment Matrix

The following matrix includes the summarized comments from stakeholders through this CR-101 process since November 24, 2023, as well as Staff responses to those comments. The Staff Responses reflect the opinion of Staff, not of the Commission.

Staff notes that for the current version of the draft rules, the naming of the sections has changed:

- Section “WAC 480-100-6XXa” is now “WAC 480-100-670”.
- Section “WAC 480-100-6XXb” is now “WAC 480-100-675”.
- Section “WAC 480-100-6XXc” is now “WAC 480-100-680”.

Previous references have been changed to reflect the current section names.

Commenter	Topic	Date	Comment	Staff Responses

AVA	CETA Compliance, RECs, WAC 480-100-670(2)	11/24/2023	The current rules do not allow a buyer of specified clean energy in an organized market to use the clean energy purchase toward CETA compliance. Avista suggests the following modifications to proposed WAC 480-100-670(2): (2) The utility must acquire the REC and the electricity associated with the REC in a single transaction through ownership or control of the generating facility or through a contract for purchase or exchange unless the energy is purchased as a specified carbon free resource in an organized market.	Any electricity claimed for primary compliance must be accompanied by a REC. The conditions for the REC to be eligible for primary compliance, through contracting, ownership, or organized markets, are addressed in Draft WAC 480-100-670(5) and (6).
AVA	Hourly Analysis	11/24/2023	Avista requests additional clarification in the rule adoption order of the requirements of the hourly analysis required in WAC 480-100-670(4), as the rule can be interpreted in multiple ways. Absent clarification, Avista intends to provide a single table of expected hourly generation for each compliance period, assuming median hydro conditions and renewable/nonemitting generation, compared to retail load (in normal expected weather conditions).	Avista's proposed language might be sufficient if the underlying data that supports the aggregated table is accessible. The current structure of the proposed rules has changed significantly since the November 2023 iteration of the draft rules.
AVA, PAC, PSE, NIPPC	Support for Proposed Rules	11/24/2023	General agreement and support for the proposed rules to align with Commerce.	The Commission aligns its rules with Commerce to the extent possible, while recognizing that investor-owned and consumer-owned utilities exist under different regulatory structures. The proposed rules also reflect changes in law (CCA) and market development since the adoption of Commerce's rules.

JEA	Disagreement with Proposed Rules	11/24/2023	Support for the Commission's previous approach to the "use" rulemaking, noting that Staff had previously defended its approach to adopt rules that differ from Commerce's.	The Commission aligns its rules with Commerce to the extent possible, while recognizing that investor-owned and consumer-owned utilities exist under different regulatory structures. The proposed rules also reflect changes in law (CCA) and market development since the adoption of Commerce's rules. Separate standards for planning and practice may lead to unintended cost consequences as utility plans and actions diverge. The Commission has modified the language from this version of the draft rules to address those concerns.
JEA	Stakeholder Engagement	11/24/2023	We encourage the Commission to hold a stakeholder meeting to discuss the reasoning behind its shift in approach in regulating how utilities must "use" electricity to comply with CETA's clean energy standards, as there has not been adequate dialogue around the suitability of Commerce's approach to "use" being applied to the Commission's regulation of the IOUs.	After receipt of these comments, a workshop was held on February 22, 2024.

JEA	Retained Nonpower Attributes/RECs in Compliance Planning	11/24/2023	The Commission's previously proposed language guiding a utility's showing of compliance with RCW 19.405.040(1) prohibits a utility from planning to use retained NPAs toward primary compliance, except for within the two-year contract term exemption. NWEC/RNW/CS did not support the two-year contract term exemption since it provides flexibility not in the statute. Utilities pushed back against this language, citing potential inefficiencies. Staff defended the approach as in line with traditional utility regulation principles, adding that it does not necessitate overbuilding and that it is based in physical electricity delivery. NWEC/RNW/CS do not understand why the Commission has decided to lean into Commerce's approach, which does not restrict utilities from planning for retained NPAs or RECs in compliance planning. This approach does not incentivize building a portfolio that is truly capable of serving 80% of load with renewable and nonemitting resources. NWEC/RNW/CS cite Staff's comments to NIPPC's comments from February 9, 2022, "If utility actions are based on a plan and that plan is not carrying out CETA then the actions of the utility will fail CETA, despite the best post-planning regulatory interventions."	The Commission disagrees that allowing the use of retained NPAs/RECs does not incent building a portfolio capable of serving 80% of load with renewable and nonemitting resources. A retained NPA/REC comes from a generating source owned or purchased by the IOU, meaning that the utility will still need to build or purchase generation at the equivalent of 80% of retail load to meet primary compliance obligations. The Commission believes that the statute is ambiguous on the issue of retained NPAs/RECs. While previous drafts of these rules have reflected a different interpretation of the statute, the Commission believes it is within its authority to adopt an interpretation of CETA that permits retained NPAs/RECs from 2030 to 2045. However, the Commission notes the difference between the 2030 standard and the 2045 standard and that there will be an expectation that IOUs are taking the need to meet the 2045 standard into account when engaged in long term planning. Staff agrees with the importance of limiting resource shuffling and the use of retained NPAs for primary compliance with CETA, which is consistent with Staff's interpretation of the word "use".

JEA	Retained Nonpower Attributes/RECs in Compliance Planning, Draft WAC 480-100-670(4)	11/24/2023	NWEC/RNW/CS recognize that Commerce and the Commission have included language to encourage good-effort modeling practices to support the 80% renewable target in Draft WAC 480-100-670(4). The first sentence of Draft WAC 480-100-670(4) does not include language that specifies renewable or nonemitting electricity. The language in the draft rule is also subjective, with the words "reasonable" and "capable" being open to different interpretations.	The terms "reasonable" and "capable" have been replaced with "projected" in Draft WAC 480-100-675(1). These terms better capture the Commission's expectations of utilities in planning processes.
JEA	Draft WAC 480-100-675(2)(a)	11/24/2023	The language defining the more open-ended, market-sourced REC in draft WAC 480-100-675(2)(a) should be struck because it is redundant to and less specific than the provision in draft WAC 480-100-675(2)(b).	The language has been struck.
JEA	100% Clean Energy Standard, Draft WAC 480-100-675	11/24/2023	NWEC/RNW/CS supported the 2022 Draft WAC 480-100-650(2), which uses a straightforward approach to compliance, prohibiting a utility from using retained NPAs/RECs. Commerce introduced a concept of a "clean energy market", which RNW and NWEC supported in April 2022. The Commission operates with broader and more comprehensive regulatory authority than Commerce, and should make the following changes to draft WAC 480-100-675 to add the concept of a "clean energy market" into state regulation: **(WAC 480-100-680) Use of renewable energy credits to comply with the 100 percent renewable or nonemitting standard**. (1) A utility must demonstrate that it is supplying all its retail electric service obligations with renewable and nonemitting resources. To meet this requirement, the utility must demonstrate that it has secured transmission rights or assets to provide feasible transmission for renewable or	Given the development of organized markets in the West, it is not reasonable to expect that a "clean energy market," as defined in the November 2023 draft, will exist in the foreseeable future. The proposed CR-102 draft rules, WAC 480-100-670(5) and (6), better capture the necessary steps to claim a REC through market participation, which is also referenced in WAC 480-100-680.

			nonemitting resources to serve its retail electric service obligations. ~~(1)~~(2) Except as provided in subsection ~~(2)~~(3) of this section, a utility may not use a REC to comply with the requirements of RCW 19.405.050(1) unless: (a) The utility acquired the REC and the electricity associated with the REC in a single transaction through ownership or (b) The utility did not use the associated electricity for any purpose other than supplying electricity to its Washington retail electric customers. ~~(2)~~(3) A utility may use any REC to comply with the requirements of RCW 19.405.050(1) if: ~~(a) The utility acquired the REC through participation in a clean electricity market;~~ (a~~b~~) The REC is associated with electricity acquired through participation in a clean electricity market; or (b~~c~~) The utility obtained all electricity supplied to its retail customers from clean electricity markets. (3) For purposes of this section, "clean electricity market" means an organized wholesale electricity market that provides for the physical delivery of renewable and nonemitting electricity.	

NIPPC	Electron Tracking, WAC 480-100-675(1)(b)	11/24/2023	Current language may require an impossible demonstration of showing where specific electrons are delivered. Revised language: (1) Except as provided in subsection (2) of this section, a utility may not use a REC to comply with the requirements of RCW 19.405.050(1) unless: (a) The utility acquired the REC and the electricity associated with the REC in a single transaction through ownership or control of the generating facility or through a contract for purchase or exchange; and (b) The utility did not ~~use the associated electricity for any purpose other than supplying electricity to~~ contract to sell the associated electricity to anyone other than its Washington retail electric customers.	The Proposed CR-102 Draft Rules reword this section significantly from the November 2023 iteration of the draft rules. The Proposed CR-102 Draft Rules address this issue in section WAC 480-100-670(8).
NIPPC	Hourly Reporting Obligations	11/24/2023	NIPPC is concerned that data and contract reporting exceed what is required and may be burdensome on utilities and Staff. NIPPC defers to utilities and Staff on this matter as long as the obligations do not impact market engagement.	The details of the hourly data requirement for planning are addressed in WAC 480-100-675 of the Proposed CR-102 Draft Rules. Staff thanks NIPPC for raising these concerns.
PAC	CETA Compliance, RECs	11/24/2023	PacifiCorp notes that the proposed rules do not resolve outstanding conflicts regarding the ability of utilities to both realize the full benefits of expanded organized markets (both as buyers and sellers of clean electricity) and use those resources' RECs to comply with CETA.	Any electricity claimed for primary compliance must be accompanied by a REC. The conditions for the REC to be eligible for primary compliance, through contracting, ownership, or organized markets, are addressed in the Proposed CR-102 Draft Rules at WAC 480-100-670(5) and (6).
AVA	Differences between COM and UTC rules	5/10/2024	Departure from the annual demonstration of compliance standard used by Commerce will lead to inequitable and disparate application of the law for electric IOUs, disadvantaging IOUs compared to COUs and leading to higher costs of compliance.	The Commission aligns its rules with Commerce to the extent possible, while recognizing that investor-owned and consumer-owned utilities exist under different regulatory structures. The proposed rules also reflect changes in

				law (CCA) and market development since the adoption of Commerce's rules.
AVA	Monthly load cap – Overbuild	5/10/2024	Utilities will have to overbuild energy resources to comply with the GHG neutral standard every month of the year. Monthly demonstration of compliance will eliminate the legislative intent meant to address intra- and inter-year variability and remove more than 594,000 MWh of clean energy in a normal water year from compliance (April-July spring runoff) Additional generation will need to be acquired to handle compliance risks. Four years is already too short to handle multiple years of low renewable generation. The annual demonstration of a compliance standard used by Commerce is better and would require AVA to procure half of the additional renewables of the monthly standard, using wind as a proxy. AVA will have to acquire much more renewables in order to meet the compliance standard, adding to spring surplus, and customers will only see benefit of depressed sale prices when overgeneration is sold.	The Commission has declined to implement the monthly use cap in the Proposed CR-102 Draft Rules, but will continue to monitor resource shuffling through the reporting requirements added to WAC 480-100-650 in the Proposed CR-102 Draft Rules. Staff notes that the monthly load cap is not a monthly compliance standard, and that no minimum amount of renewable generation is required in any given month. The monthly load cap simply recognizes that oversupply cannot possibly be "used".
AVA	Monthly load cap – Retail Load vs. Load	5/10/2024	Change "retail load" for primary compliance to "retail load adjusted for delivery losses", to match CETA language which accounts for loss of energy between generation and delivery points.	Staff agrees with this suggestion, as it reflects electricity that is "used" by a utility. However, the Commission has declined to implement the monthly use cap in the Proposed CR-102 Draft Rules, but will continue to monitor resource shuffling through the reporting requirements added to WAC 480-100-650 in the Proposed CR-102 Draft Rules.

AVA	Hourly Load Cap Planning Requirement Modelling	5/10/2024	Unreasonable – requires a 20-year forecast of hourly renewable generation. Suggests a monthly planning standard, and a specific case scenario to be modeled but not used.	The Commission and Staff recognize the difficulty of modeling this scenario and agree with Avista's suggestion. The requirement has been removed from the proposed draft rules.
AVA	Non-WREGIS resources	5/10/2024	Language should be added to accommodate non-WREGIS resources for renewable generation.	This language has been added to WAC 480-100-670(3) of the Proposed CR-102 Draft Rules to accommodate non-WREGIS tracking systems.
AWEC	Monthly load cap - legality	5/10/2024	The monthly load cap directly contradicts RCW 19.405.040(1)(a), which establishes four year compliance periods. "As the Washington Supreme Court has "often held in the past, the power of an administrative agency to promulgate rules does not include the power to legislate …. Administrative rules may not amend or change enactments of the legislature." By requiring monthly matching of NPAs with electricity delivered to load, the draft rules effectively nullify CETA's multi-year compliance periods in favor of monthly compliance periods." The monthly load cap is unlawful.	The Commission has declined to implement the monthly use cap in the Proposed CR-102 Draft Rules, but will continue to monitor resource shuffling through the reporting requirements added to WAC 480-100-650 in the Proposed CR-102 Draft Rules. The monthly load cap does not contradict four-year compliance periods, but instead defines how utilities may count towards that total for the four-year compliance period by identifying energy that could not possibly have been "used" by utilities. The Commission and Staff believe that the ability to implement such a limit on CETA-compliant energy is within the authority of the Commission and does not compromise statutory four-year compliance periods.

AWEC	Monthly load cap – costs + overbuilding	5/10/2024	The rules will likely increase consumer costs considerably, a four-year compliance period allows for flexibility between years and for utilities to ensure reliability. Requiring utilities to match NPAs on a monthly basis will "magnify discrepancies". Intra-year variability will result in utilities needing to plan their systems to ensure sufficient renewable generation and non-emitting generation for peak months, leading to larger surplus in shoulder months. Customers receive no compensation with respect to CETA compliance for overgeneration, and little monetary compensation given the abundance of low-cost generation. Costs will unnecessarily increase.	The Commission has declined to implement the monthly use cap in the Proposed CR-102 Draft Rules, but will continue to monitor resource shuffling through the reporting requirements added to WAC 480-100-650 in the Proposed CR-102 Draft Rules. Staff argues that the point of the monthly load cap is to ensure that utilities are decarbonizing throughout the entirety of the compliance periods, not only during seasons when it is easier to do so with surplus generation. Such incentives would send clear signals to Washington IOUs to plan for decarbonization that will be compliant with both 2030 and 2045 CETA standards. Staff also notes that customers do not "receive compensation" for CETA compliance, and while it is possible that sales may be less valuable, the goal of CETA is to decarbonize, an effort includes non-shoulder months.
AWEC	Backlash	5/10/2024	Moving too fast to make environmental progress, raising costs too quickly, will create backlash against climate action, such as the coming CCA repeal vote.	The Commission's role is to interpret and execute its regulatory duties as provided by the legislature.
BPA	BPA System Generation - RECs	5/10/2024	BPA distributes system power, not from specific generation resources, with a system emissions rate. Specific resources on the BPA system do not generate RECs. BPA expects that RECs will be generated by the entire federal hydropower system to support WA CETA requirements.	BPA's clarification is welcome. In the event that the federal hydropower system does not produce RECs by 2030, Staff and the Commission expect that the inclusion of nonpower attributes in the draft rules will be sufficient to cover BPA's system power.

BPA	Monthly load cap - Consistency with Commerce	5/10/2024	BPA reiterates its support for the UTC adopting rules that are consistent with Commerce, which supports plain-language reading of CETA to have 4-year compliance periods. The monthly load cap standard goes beyond the standard created by RCW 19.405. Flexibility of four-year compliance standard allow cost and reliability to be considered, as well as hydro variability. Low hydro years can create greater dependence on market purchases and fossil generation. A yearly or monthly demonstration of compliance could lead utilities to incur additional alternative compliance costs or penalties. The four-year compliance period was not just for easing reporting burdens.	The Commission aligns its rules with Commerce to the extent possible, while recognizing that investor-owned and consumer-owned utilities exist under different regulatory structures. The proposed rules also reflect changes in law (CCA) and market development since the adoption of Commerce's rules. The Commission has declined to implement the monthly use cap in the Proposed CR-102 Draft Rules, but will continue to monitor resource shuffling through the reporting requirements added to WAC 480-100-650 in the Proposed CR-102 Draft Rules. The monthly load cap does not create a standard beyond the 4-year compliance standard, but rather identifies under what circumstances CETA-compliant energy can be considered "used". It is not a monthly demonstration of compliance since there is no minimum requirement of CETA-compliant energy.

BPA	Monthly load cap – Overbuild, resources and transmission	5/10/2024	Monthly load cap will lead to an inefficient build-out of renewable resources and transmission, increasing costs and challenges. Reference to previous comments from BPA in 2020, stating that a monthly requirement (as opposed to COM's procurement-based approach) will incentivize building new transmission for primary compliance to meet the monthly requirement. Additional comments about the time and cost of building new transmission.	The Commission has declined to implement the monthly use cap in the Proposed CR-102 Draft Rules, but will continue to monitor resource shuffling through the reporting requirements added to WAC 480-100-650 in the Proposed CR-102 Draft Rules. The monthly load cap does not change the procurement-based approach used by Commerce, since the rules would be the same as Commerce's with the addition of the load cap requirement and additional modelling guidance. Staff believes that the monthly cost cap is necessary to signal to utilities that they must be planning for both the CETA 2030 GHG Neutrality Standard and the 2045 100% Clean Standard. A portfolio that meets the 2030 GHG Neutrality Standard making great use of resource shuffling will be ill-suited to meet the 2045 100% Clean Standard when the transition must occur away from a 4-year compliance period.
BPA	Monthly load cap – BPA operational issues	5/10/2024	BPA foresees that a monthly planning requirement will lead to parties deviating from best practices for maintaining reliability. BPA would be forced to consider a monthly planning requirement on top of other issues when considering whether or not a grid shut-off should occur to preserve infrastructure.	The Commission has declined to implement the monthly use cap in the Proposed CR-102 Draft Rules, but will continue to monitor resource shuffling through the reporting requirements added to WAC 480-100-650 in the Proposed CR-102 Draft Rules. The monthly load cap does not impose a minimum amount of CETA-compliant

				energy required by utilities. Thus, BPA would not have to consider utilities meeting monthly planning requirements for IOUs when considering a grid shut-off.
BPA	Monthly load cap – resource procurement	5/10/2024	Long-term procurement commitments are typically the primary support for generation investments. To incentivize these investments, WA utilities should have assurance they will be able to fully claim their generation under CETA. Load cap may hinder ability to participate in markets when considering if a utility can comply under CETA. CAISO overgenerates solar, which serves loads and displaces other generating resources, subject to transmission constraints. BPA operates similarly with hydro excess.	The Commission has declined to implement the monthly use cap in the Proposed CR-102 Draft Rules, but will continue to monitor resource shuffling through the reporting requirements added to WAC 480-100-650 in the Proposed CR-102 Draft Rules. The monthly load cap does not hinder the ability of resources that utilities own or contract for to participate in a market. The draft rules consider current day-ahead market structures in Markets+ and EDAM in WAC 480-100-670(6) and (8)(b).
BPA	Markets	5/10/2024	BPA encourages the UTC to engage with markets to consider how individual utility attribution (as opposed to state-level) can happen. M+ and EDAM are geared for priced carbon programs, not CETA.	The Commission and Staff agree with BPA's suggestion and have continued to work with both CAISO and SPP to ensure that Washington utilities are able to fully participate in day-ahead markets.

BPA	Market design limitations – Section (6)	5/10/2024	Current rules could create competing and irreconcilable claims to BPA system power and RECs. Language in section (6) seems unnecessary to BPA, because it should be covered under section (5), and may complicate compliance showings if it cannot be confirmed that contracted-for amounts were not fully attributed. Language of section (6) seems to allow utilities to acquire RECs from the federal system from any source and claim it against any attributed amounts, even when they are committed to another utility. BPA suggests section (6) be specific to power attributed to WA in an organized market that is surplus to market participants' loads and contractual commitments, which supports intent while avoiding conflicting claims.	These issues have been addressed in the Proposed CR-102 Draft Rules that consider day-ahead markets, in WAC 480-100-670(6) and (8)(b).

BPA	Scenarios where federal power could be attributed to WA	5/10/2024	Scenario 1: Power contracted to BPA public power preference (PPP) customers in WA under long-term power sales contracts. BPA customers will also receive RECs associated with the power sale according to their Provider of Choice contract with BPA. Scenario 2: Power BPA has sold bilaterally to an IOU/COU in WA. BPA envisions this could also include RECs if RECs are available. Scenario 3: Other power not connected to a specific contract to WA load. RECs will be delivered to BPA PPP customer. For surplus federal power attributed to WA, BPA may have retained RECs that may be available to transfer to an IOU to pair with attribution. Scenario 4: Resale of surplus federal power by an entity purchasing from BPA, either under a forward contract or general sale. BPA anticipates that the markets would attempt to accommodate these transactions for attribution. Depending on circumstances, this could align with any of the above scenarios. Regardless of the scenario, attribution amount may not be delineate what part was for resource amounts contracted to load, and may not be available information for market participants. BPA encourages UTC to engage with SPP + CAISO on how to identify what attribution was surplus.	The Proposed CR-102 Draft Rules remove state attribution from the definitions, as the topic is no longer addressed.
CRS	"From a single facility" vs. "single transaction"	5/10/2024	UTC could consider alternative language to define "use" as acquisition of both energy and attributes from a single facility, instead of a single transaction. This would allow for acquisition of energy and attributes from the same facility but acquired at different times through different transactions. Suggestion for both 2030 and 2045 standards.	The Proposed CR-102 Draft Rules do not adopt this suggestion, as Staff and the Commission find the current language to be simpler for this application.

CRS	Double counting, electricity purchased and electricity sold	5/10/2024	UTC should further describe that double counting applies to electricity purchased by the utility as well as electricity sold. We recommend the following text: At a minimum, this requires that any contract in which the utility sells electricity in a wholesale market sale without its associated NPA must include terms stating the seller is not transferring any of the NPAs and the buyer may not represent in any form that that the electricity has any NPAs associated with it and that the buyer must include such provision in any sale of the electricity in any subsequent sale it makes. **Additionally, any contract in which the utility purchases specified electricity in a wholesale market sale without its associated NPA must include terms stating the seller is not transferring any of the NPAs and the utility may not represent in any form that the electricity has any NPAs associated with it and that the utility must include such provision in any sale of the electricity in any subsequent sale it makes.**	The Proposed CR-102 Draft Rules consider current day-ahead market structures in Markets+ and EDAM in WAC 480-100-670(6) and (8)(b).
CRS	Additional clarification of what a "clean energy market" is	5/10/2024	Please further define NPA acquisition through participation in a market. Does this rule require that RECs are included in market transactions? Unclear implications for unbundled NPAs associated with electricity sold into a wholesale market without a contract or transmission record.	The Proposed CR-102 Draft Rules consider current day-ahead market structures in Markets+ and EDAM in WAC 480-100-670(6) and (8)(b). Any electricity claimed for primary compliance must be accompanied by a REC. The conditions for the REC to be eligible for primary compliance, through contracting, ownership, or organized markets, are addressed in Draft WAC 480-100-670(5) and (6). The Proposed CR-102 Draft Rules do not include the definition of a "clean energy

				market", as the Commission and Staff do not believe that the concept as previously described will not exist in 2045.
CRS	CA coordination	5/10/2024	UTC should coordinate with CA agencies and other states to determine whether RECs are associated with specified imports or deliveries outside of WA using REC ID numbers.	The Commission and Staff believe this issue is better addressed through the current day-ahead market efforts, rather than this rulemaking.
CRS	Data sharing, coordination	5/10/2024	General recommendation for formalized, regular communication/coordination between western states with clean energy standards and GHG programs. WREGIS could be a good resource for this.	The Commission and Staff regularly engage and coordinate with other Western states on these issues.
James Adcock	"Sham Plans"	5/10/2024	The proposed rules do not protect against CEIPs that do not actually achieve claimed GHG reductions.	Staff disagrees with this assessment and finds that the planning requirements are sufficient for tracking progress towards CETA milestones.
James Adcock	"Sham Swaps"	5/10/2024	The proposed rules do not protect against financial agreements that trade clean energy for emitting energy, but power does not actually flow from one party to another.	Staff notes that the tracking of electrons is not possible, but the Proposed CR-102 Draft Rules require utilities to prove ownership of nonpower attributes.
JEA	Monthly Load Cap – Positive Effects	5/10/2024	Monthly load cap protects against uncontrolled resource shuffling across the full four-year compliance period, encourages diligence and improved accuracy in resource planning, and helps stakeholders understand a utility's actual progress towards the 80% standard	The Commission has declined to implement the monthly use cap in the Proposed CR-102 Draft Rules, but will continue to monitor resource shuffling through the reporting requirements added to WAC 480-100-650 in the Proposed CR-102 Draft Rules. Staff agrees with this comment.
JEA	Monthly Load Cap – Resource shuffling	5/10/2024	Resource shuffling may occur within a month, but there is protection against chronic long-term resource shuffling that would delay the achievement of state policy	The Commission has declined to implement the monthly use cap in the Proposed CR-102 Draft Rules, but will continue to monitor resource shuffling

				through the reporting requirements added to WAC 480-100-650 in the Proposed CR-102 Draft Rules. Staff agrees with this comment.
JEA	Monthly Load Cap – Reporting + Authority	5/10/2024	Monthly load limitation is within UTC authority and support statute's intent. The monthly cap fits well with existing reporting structure (WAC 480-100-650(4)), MWh of sales/purchases/exchanges, MWh of transactions of bundled RE/NE, to be reported to the UTC. Commission intent is not to reduce four-year compliance to monthly, but rather to set temporal limitations on compliance.	The Commission has declined to implement the monthly use cap in the Proposed CR-102 Draft Rules, but will continue to monitor resource shuffling through the reporting requirements added to WAC 480-100-650 in the Proposed CR-102 Draft Rules. Both Staff and the Commission agree with the claim that the monthly use cap is within the authority of the Commission to implement.
JEA	Addressing IOU concerns on the Monthly Use Cap – Rate impacts	5/10/2024	CETA acknowledges that 100% clean energy transition must happen faster than our current policies can deliver. Transition must happen faster than purely economic incentives. Legislature granted UTC ability to conduct PBR, MYRPs, other flexible regulatory mechanisms to mitigate rate impacts. Alternative compliance pathway also considers rate impacts.	Staff agrees with this comment and notes that the Commission is utilizing this authority through other policy processes to help mitigate rate impacts.

JEA	Addressing IOU concerns on the Monthly Use Cap – Market liquidity	5/10/2024	In February 2024, utilities warned that limitations on NPAs for primary compliance would reduce market liquidity (PAC and PSE), where IOUs would have to withhold CETA resources from markets to avoid penalties. CETA-compliant resources are needed to demonstrate compliance with CETA. Arguing that sales exceeding the allowance for alternative compliance should be eligible for primary compliance equates both to unbundled REC accounting.	The Commission has declined to implement the monthly use cap in the Proposed CR-102 Draft Rules, but will continue to monitor resource shuffling through the reporting requirements added to WAC 480-100-650 in the Proposed CR-102 Draft Rules. Staff agrees with this comment.
JEA	Addressing IOU concerns on the Monthly Use Cap – System sales	5/10/2024	IOUs have claimed that retained NPAs as a concept do not align with utility system sales, and it is impossible to associate a specific MWh to a specific NPA. In 2022, joint IOUs proposed that the UTC and utilities could develop an accounting method where RECs and NPAs are deemed retained based on the quantity of unspecified wholesale sales a utility makes. These comments reveal that the monthly limitation should be digestible to utilities.	The Commission has declined to implement the monthly use cap in the Proposed CR-102 Draft Rules, but will continue to monitor resource shuffling through the reporting requirements added to WAC 480-100-650 in the Proposed CR-102 Draft Rules. Staff agrees with this comment.
JEA	Monthly load cap – addressing utility concerns	5/10/2024	Retained NPAs have been eliminated as a concept, all NPAs that are not acquired as unbundled NPAs are not differentiated. CETA-compliant market transactions count towards primary compliance even if the associated NPA is acquired at a later date.	This issue is addressed in the requirements of Draft WAC 480-100-670(6).
JEA	Monthly Load Cap – Planning	5/10/2024	Monthly load cap holds utilities accountable for conducting integrated resource planning that produces portfolios supporting their loads with CETA-compliant generation	The Commission has declined to implement the monthly use cap in the Proposed CR-102 Draft Rules, but will continue to monitor resource shuffling through the reporting requirements added to WAC 480-100-650 in the Proposed CR-102 Draft Rules.

				Staff agrees with the potential for a load cap to hold utilities accountable in this manner.
JEA	Double Counting	5/10/2024	Edited text included in Appendix A	Staff thanks JEA for their continued participation in this rulemaking.
JEA	Portfolio Planning	5/10/2024	Supportive of the portfolio hourly analysis. WAC 480-100- requires utilities to analyze with; hourly data for owned resources, market purchases, power purchase agreements, net of off-system sales of resources, total WA retail sales, retail sales for voluntary RE purchase programs, RE/NE total electricity production, qualifying facility generation, All electricity sold/transferred for bundled sales of RE/NE, and unspecified system sales Staff has observed that utilities have for more than 40 years consistently used hourly analysis to present their demonstration of prudence, its lower reasonable cost approach to providing power Because IRPs are based on hourly data reporting, we feel it would be the most natural progression for the CETA compliance planning requirements to be based on hourly analyses, though should be limited to utility monthly load requirements	This section has changed in the Proposed CR-102 Draft Rules. Instead of an IRP scenario assessing an hourly or monthly load cap, reporting requirements are added to WAC 480-100-650 to provide the information to assess this phenomenon using utility data.
JEA	Monthly load cap – 100% renewable standard	5/10/2024	Generation beyond load need not be a compliance consideration. A hard stop on any resource shuffling must be in place for 2045. Should require that all sales of retail electricity should be supplied by renewable and nonemitting generation.	The Commission has declined to implement the monthly use cap in the Proposed CR-102 Draft Rules, but will continue to monitor resource shuffling through the reporting requirements added to WAC 480-100-650 in the Proposed CR-102 Draft Rules. Staff agrees with this comment.

JEA	Markets, 100% renewable	5/10/2024	For future market constructs, NPAs as a compliance tool may not be relevant given market developments. Efficiencies of a strong regional market compensate for risk of leakage. Assuming M+ and EDAM, once live, meet standards for clean electricity market, monthly reports documenting utility market participation will likely be best representation of 100% clean energy mandate. Speculative, recommend that rules are reopened when linkage occurs, some time in 2025: (x) The [commission] shall commence a review of these rules no later than September 1, 2030, and, if determined to be necessary, recommend revisions to achieve the policy objectives set forth in chapter 19.405 RCW.	The Commission retains the right to reopen these rules at any time should changes become needed.
NIPPC	UTC has broad discretion to implement CETA	5/10/2024	NIPPC continues to support UTC's procurement-based approach. After reviewing legal arguments, CETA's plain language leaves UTC room to exercise discretion. Legislative intent is a procurement-based approach that allows WA electric utilities to decarbonize.	The Commission believes that the ability to implement such a limit on CETA-compliant energy is within the authority of the Commission and does not compromise statutory four-year compliance periods. Staff agrees with this comment.
NIPPC	Markets – Language clarification	5/10/2024	Generally supportive of movement towards aligning with competitive markets, appreciate endeavor to align with emerging market structures. Supportive that draft rules move away from "single transaction" for market procurement of clean energy. Under 100% standard, section 4 seems to conflict with section 5, both address eligibility of NPAs but it is not clear what distinction exists between them.	Staff agrees with the sentiment of supporting competitive markets. The Proposed CR-102 Draft Rules consider day-ahead market structures in Markets+ and EDAM in WAC 480-100-670(6) and (8)(b).

NIPPC	Language clarification	5/10/2024	Utilities do not "retire" energy, assuming that subsection 3 of the GHG Neutrality section refers to RECs/NPAs	This change has been implemented in the Proposed CR-102 Draft Rules.
NIPPC	Monthly load cap - Overbuilding	5/10/2024	Monthly load limit would de-value excess clean energy, and will likely drive a "parochial overbuilding" of clean generation sources and adverse sector-wide outcomes, such as higher rates, more curtailment, and lower wholesale prices. A heightened 2030 standard will be more likely to trigger CETA's cost off-ramp, while not recognizing clean resources procured. This is against public interest. NIPPC would likely benefit from overbuilding, but thinks that this is against the public interest. Recommend that this is removed, WAC 480-10-650 makes this unnecessary .	The Commission has declined to implement the monthly use cap in the Proposed CR-102 Draft Rules, but will continue to monitor resource shuffling through the reporting requirements added to WAC 480-100-650 in the Proposed CR-102 Draft Rules. Staff believes that the monthly cost cap is necessary to signal to utilities that they must be planning for both the CETA 2030 GHG Neutrality Standard and the 2045 100% Clean Standard. Staff also believes that a resource portfolio that meets the 2030 GHG Neutrality Standard making great use of resource shuffling will be ill-suited to meet the 2045 100% Clean Standard when the transition must occur away from a 4-year compliance period.
NIPPC	Language clarification – "consistent with" vs "comply with"	5/10/2024	Why was the language "The electricity associated with the REC must be consistent with WAC 480-100-650 (1)(d)" changed to "The electricity associated with the REC must comply with WAC 480-100-650 (1)(d)"? 13 WAC 480-100-650(1)(d) describes a reporting requirement and certain standards for electricity within that report. Requiring compliance in this context is somewhat unclear.	This language was reverted to "consistent with" in the Proposed CR-102 Draft Rules.

NIPPC	Language clarification – Double counting	5/10/2024	Concern that the double-counting language is overbroad, and may not recognize that utilities could be reporting the same electricity and NPAs for multiple programs, such as CETA and the EIA. CETA explicitly allows this. CCA was drafted to align with CETA and reduce costs.	The Proposed CR-102 Draft Rules now explicitly state that RECs and NPAs used for CETA and EIA compliance are not double-counted. In the Proposed CR-102 Draft Rules, the determination for double-counting protections of a resource allocation framework is a decision made by the Commission on a case-by-case basis, allowing for flexibility for parties to make their case for the different market structures.
NIPPC	Language clarification – Modeling requirement	5/10/2024	For the portfolio planning requirements to comply with the GHG Neutral standard, subsection 1, what is intended by this section? Overbroad, seems duplicative with WAC 480-100-650.	The specific requirement of providing narrative detail as to how a preferred portfolio will be utilized to meet CETA requirements, supported by hourly data, is valuable in this context.
NIPPC	Language clarification – Eliminate the use of "use" in the rules in ***	5/10/2024	(The utility did not ~~use the associated electricity for any purpose other than supplying electricity to~~ *contract to sell the associated electricity to anyone other than* its Washington retail electric customers.	Staff's current understanding of "use" in this context excludes the sale of electricity to wholesale markets, but includes retail sales and the charging of storage resources. Staff believes that the current language is sufficient to address this interpretation.
NIPPC	Hourly reporting	5/10/2024	Hourly reporting is burdensome, and is neither appropriate nor necessary under CETA. Tracking electrons is not possible. NIPPC defers to UTC on what the benefits and drawbacks of this rule would be.	The reporting requirements in the Proposed CR-102 Draft Rules are now monthly.
PAC	Monthly Load Cap – Unequal Treatment	5/10/2024	Monthly compliance would lead to an inequitable and disparate application of the law between IOUs and COUs.	The Commission aligns its rules with Commerce to the extent possible, while recognizing that investor-owned and

			This would put IOUs at a disadvantage compared to COUs because of higher costs.	consumer-owned utilities exist under different regulatory structures.
PAC	Monthly Load Cap – Costs	5/10/2024	A granular monthly compliance period would require customers of IOUs to pay more for CETA-compliant resources to ensure adequate resources are available each month. Given seasonality of wind and solar, as well as daily variation, monthly compliance would lead to a substantial overbuild of CETA resources. The company is happy to provide quantitative analyses that demonstrates the difference between these two compliance approaches if the UTC thinks it would be helpful.	The Commission has declined to implement the monthly use cap in the Proposed CR-102 Draft Rules, but will continue to monitor resource shuffling through the reporting requirements added to WAC 480-100-650 in the Proposed CR-102 Draft Rules. The monthly load cap does not impose a minimum amount of CETA-compliant energy required by utilities, only a maximum of what could have possibly been "used" by utilities. Staff believes that the monthly cost cap is necessary to signal to utilities that they must be planning for both the CETA 2030 GHG Neutrality Standard and the 2045 100% Clean Standard. Staff also believes that a resource portfolio that meets the 2030 GHG Neutrality Standard making great use of resource shuffling will be ill-suited to meet the 2045 100% Clean Standard when the transition must occur away from a 4-year compliance period.
PAC	100% Section – Issues with compliance	5/10/2024	Section stating "did not use electricity for any purpose other than supplying electricity to it Washington retail customers" is impossible to comply with since transactions also benefit wholesale, utility, and out-of-state customers. Electrons are not traceable.	For multi-state utilities, the Commission expects that a cost allocation methodology will be sufficient for determining that a utility is in compliance with the 100 percent renewable or nonemitting standard.

PAC	Multi-jurisdictional concerns – Inter-BAA	5/10/2024	It is not possible for PAC to determine what specific resource it delivers to which state across BAAs. PAC lacks the information it needs to comply with proposed regulations to match monthly retail sales to specific CETA-compliant generation resources. In order to implement these rules, WECC and NERC would need to propose new rules to be approved by FERC that would allow PAC to operate under different BAA requirements.	The Commission and Staff believe that this challenge would be surmountable using data that PacifiCorp submits to the Commission, including total retail load for Washington and the RECs that are ultimately retired by PAC for CETA compliance. However, since the Commission has declined to implement a monthly use cap at this time, this point is temporarily moot.
PAC	Multi-jurisdictional concerns – Intra-BAA	5/10/2024	PAC cannot match retail generation to retail sales within a BAA. Specific issue with the phrase "Use of NPAs to comply with the 100 percent renewable or nonemitting standard;"	For multi-state utilities, the Commission expects that a cost allocation methodology will be sufficient for determining that a utility is in compliance with the 100 percent renewable or nonemitting standard.
PAC	Multi-jurisdictional concerns	5/10/2024	WEIM co-optimizes load, generation, and transmission in real time, but also makes it impossible to track electrons delivered to WA. Long-standing practice for PAC to allocate costs, not energy, from specific resources that serve WA retail customers on an annual basis. PAC would not be able to show an exact match on a monthly basis between specific resources and WA load	The Commission and Staff believe that this challenge would be surmountable using data that PacifiCorp submits to the Commission, including total retail load for Washington and the RECs that are ultimately retired by PAC for CETA compliance. However, since the Commission has declined to implement a monthly use cap at this time, this point is temporarily moot.

PAC	Compliance issues	5/10/2024	PacifiCorp does not believe it is possible to demonstrate that: (1) it "did not use electricity for any purpose other than supplying electricity to its Washington retail customers" as proposed by the "Use of NPAs to comply with the 100 percent renewable or nonemitting standard;" (2) the "amount of renewable or nonemitting energy that a utility counts towards compliance with 19.405.050(1) in each month may not exceed the load served by that utility within the same month," for complying with the "Use of NPAs to comply with the 100 percent renewable or nonemitting standard;" (3) the "amount of renewable or nonemitting energy may not exceed the load served by that utility within the same month" for complying with "Use of NPAs to comply with the 100 percent renewable or nonemitting standard;" or (4) the requirement that the "amount of renewable or nonemitting energy that a utility designates for primary compliance in each hour may not exceed the load served by that utility within the same hour" for complying with the "Portfolio planning requirements to comply with the greenhouse gas neutral standard" draft rule.	Staff believes that this challenge would be surmountable using data that PacifiCorp submits to the Commission, including total retail load for Washington and the RECs that are ultimately retired by PAC for CETA compliance.
PAC	Organized Markets	5/10/2024	Utilities would need to withhold CETA-compliant resources from the market to ensure that the Company had adequate resources to plan for hourly compliance. Utilities withholding CETA-compliant resources from the market to ensure they are appropriately planning for hourly compliance would degrade market benefits over time. Potential reliability issues because it would limit resources that would otherwise be economically dispatched.	The requirement has been removed from the proposed draft rules.

PGP	General Comment	5/10/2024	PGP does not represent IOUs but offers comments to encourage the UTC to limit friction in REC, bilateral electricity, and centralized electricity markets.	The Commission and Staff agree, and continue to work with market operators on effective day-ahead market implementation that will allow Washington entities to participate.
PGP	Markets – Benefits of COM approach	5/10/2024	COM rules meet CETA legislative intent to not impair reliability or impose unreasonable costs on customers. COM rules allow for utilities to meet their CETA obligations while participating in economically beneficial bilateral and centralized electricity markets while balancing seasonal variability.	The Commission aligns its rules with Commerce to the extent possible, while recognizing that investor-owned and consumer-owned utilities exist under different regulatory structures. The proposed rules also reflect changes in law (CCA) and market development since the adoption of Commerce's rules.
PGP	Modeling – Benefits of COM approach	5/10/2024	COM rules balance four-year compliance period with the policy objective of ensuring that COUs are planning on meeting the 2030 standard at more granular timescales within each compliance period. Non-binding hourly analysis required under WAC 194-40-410(4) provides flexibility to COUs with respect to updating its analysis as inputs evolve. PGP does not believe that compliance demonstrations at hourly, monthly, or annual granularities are supported by CETA.	The monthly load cap would not impose a minimum amount of CETA-compliant energy required by utilities, but would identify a maximum of what could have possibly been "used" by utilities.
PSE	Agreement – No double counting	5/10/2024	Utilities must use renewable and nonemitting for CETA only when the utility owns and retains the associated NPAs. No double counting should occur for any unit of electricity used for CETA compliance.	The Commission and Staff agree with this comment.

PSE	Reasonable progress towards CETA Goals	5/10/2024	Reasonable progress should be seen in the light of the utility environment; rising loads, lower hydropower generation, lack of clean options to meet capacity needs. The pace of the transition must be equitable for all customers. Rules that are complex, incur risk, or discourage organized market participation will only increase challenges**.** Draft rules included to achieve those goals.	The Commission and Staff agree with the need for efficient and straightforward rules to lower costs, avoid risk, and encourage market participation while effectively achieving CETA requirements.
PSE	Monthly Load Cap – Legality	5/10/2024	Conflicts with statute. CETA defines retail electric load as the MWh of electricity delivered in a given calendar year by an electric IOU. Monthly cap limits intent of CETA to provide flexibility to address variability of hydropower.	The Commission believes that the ability to implement such a limit on CETA-compliant energy is within the authority of the Commission and does not compromise statutory four-year compliance periods.
PSE	Monthly Load Cap – Cost increases	5/10/2024	In order to comply with 2030 standard, expecting a 20% increase in costs that would likely increase annually, and does not include market transactions and pricing that could increase further	The Commission has declined to implement the monthly use cap in the Proposed CR-102 Draft Rules, but will continue to monitor resource shuffling through the reporting requirements added to WAC 480-100-650 in the Proposed CR-102 Draft Rules. Staff believes that the monthly cost cap is necessary to signal to utilities that they must be planning for both the CETA 2030 GHG Neutrality Standard and the 2045 100% Clean Standard. A portfolio that meets the 2030 GHG Neutrality Standard making great use of resource shuffling will be ill-suited to meet the 2045 100% Clean Standard when the

				transition must occur away from a 4-year compliance period.
PSE	Markets – Monthly Load Cap	5/10/2024	Limiting a utility's ability to count clean energy generation in a given month to load disincentivizes utilities from making their clean resources available to the market when they are needed. A utility is discouraged from making excess intermittent renewable generation available to the market or may choose to self-schedule instead. Reduces market benefits for WA utility customers and the broader region	The Commission has declined to implement the monthly use cap in the Proposed CR-102 Draft Rules, but will continue to monitor resource shuffling through the reporting requirements added to WAC 480-100-650 in the Proposed CR-102 Draft Rules. Staff believes that the monthly load cap, in conjunction with the draft rules addressing market participation and ongoing western market development efforts, would not prevent a utility from offering their renewable or nonemitting energy into the market. Utilities would still be able to retain RECs when participating in day-ahead markets.

PSE	Markets – Attribution	5/10/2024	SPP and CAISO are working to develop accounting/attribution frameworks that allow utilities to claim clean resources that are dispatched in the market PSE suggests the UTC consider language that recognizes that: "A utility may use renewable and nonemitting electric generation for compliance with 19.405.040(1) or 19.405.050(1) if it is acquired in an organized electricity market and that organized electricity market provides for the association of RECs or nonpower attributes with the attribution of specified renewable or nonemitting electric generation claimed by the utility."	This issue is covered in the Proposed CR-102 Draft Rules, at WAC 480-100-670(6).
PSE	Markets – RECs/NPAs	5/10/2024	Markets do not allow for the transfer of RECs Not all CETA eligible generation produces RECs An NPA is not a demonstrable instrument separate from its MWh production Draft rules refer to a separate transaction to acquire NPAs/RECs, no indication of what that looks like in practical terms. Transaction implies financial consideration, but the markets already assign a GHG shadow price PSE recommends that the UTC recognize the work being done in markets to set up a clean energy accounting framework that allow utilities to claim resources.	Any electricity claimed for primary compliance must be accompanied by a REC. The conditions for the REC to be eligible for primary compliance, through contracting, ownership, or organized markets, are addressed in the Proposed CR-102 Draft Rules at WAC 480-100-670(5) and (6).

PSE	Double counting	5/10/2024	PSE sees opportunity for UTC to build protections against double counting in bilateral and organized markets with respect to wholesale sales: "This requires that any contract in which the utility sells electricity in a wholesale market sale by the utility made without its associated RECs or nonpower attributes NPA must include terms stating it is a sale of unspecified electricity and that the seller is not transferring any of the RECs or nonpower attributes." Clarifies that wholesale sales by WA IOUs under the UTC – in a contract as well as an organized market 0 may not represent RECs or NPAs when selling electricity	This change has been included in the Proposed CR-102 Draft Rules at WAC 480-100-670(8).
PSE	Modeling	5/10/2024	PSE agrees that utilities should be planning to achieve CETA requirements in 2030 and 2045, and should include an hourly analysis Rules should provide utilities flexibility with how this is performed. Draft rules would be technically burdensome and resource intensive, not feasible with existing modeling capabilities. Results of the hourly modeling requirement, if feasible, would treat hourly excess as non-CETA compliant for planning. This approach devalues storage Planning inconsistent with actual CETA compliance will result in ID'ing CETA resource needs in specific, limited hours, requiring utilities to get unneeded resources. Would create further separation between planning and operations, disconnecting approved utility plans and utility needs. Not in the best interest of any interested parties PSE recommends that the UTC require at least one scenario	The Proposed CR-102 Draft Rules has removed the requirement for planning for an hourly use cap. Instead of an IRP scenario assessing a monthly load cap, reporting requirements are added to the Proposed CR-102 Draft Rules at WAC 480-100-650 to provide additional information to the Commission to monitor this issue.

			in each IRP that looks at the monthly CETA constraint under adverse risk conditions for future iterations of these rules.	

WPTF	Monthly load cap	5/10/2024	Not clear if the draft rules eliminate and replace the temporal flexibility provided by CETA's four year compliance period with a monthly period, or whether clarification is needed. Monthly load cap would be fundamentally incompatible with statutory intent of CETA and beyond the authority of the commission. Senate legislative history: https://lawfilesext.leg.wa.gov/biennium/2019-20/Pdf/Bill%20Reports/Senate/5116-S2.E%20SBR%20HA%2019.pdf?q=20200225110742 Would create different requirements for IOUs and COUs, which is not supported by statute. Language may just be unclear.	The Commission aligns its rules with Commerce to the extent possible, while recognizing that investor-owned and consumer-owned utilities exist under different regulatory structures. The proposed rules also reflect changes in law (CCA) and market development since the adoption of Commerce's rules. The Commission believes that the ability to implement such a limit on CETA-compliant energy is within the authority of the Commission and does not compromise statutory four-year compliance periods.
WPTF	Double-counting	5/10/2024	WPTF supports a prohibition on double counting. Rules as drafted suggest that electricity from CA or WA cannot be used for compliance because they are subject to cap-and-trade programs. Our proposed edits clarify that there is no double counting when the resource is subject to cap-and-trade.	This change has been implemented in the Proposed CR-102 Draft Rules at WAC 480-100-670(8) and (9).
WPTF	Markets	5/10/2024	Supportive of language to address the use of electricity and NPAs in markets but language does not currently address how these markets actually operate. CAISO and SPP are currently developing a framework for electricity and GHG accounting frameworks. WPTF anticipates that the market accounting frameworks would facilitate attribution of renewable and non-emitting electricity to WA utilities consistent with CETA to ensure no double-counting.	This inconsistency has been addressed in the Proposed CR-102 Draft Rules at WAC 480-100-670(6) and (8).

AVA	Additional Analysis	6/21/2024	Avista provides a spreadsheet with additional analysis for the monthly use cap. Using historic monthly renewable generation data from 1941-2019, the monthly use cap would result in 7 percent of generation to become ineligible, under the monthly use cap with expected renewable conditions, and 6 percent of generation to become ineligible, under the monthly use cap with low production (5th percentile).	Staff thanks Avista for providing additional analysis regarding the monthly use cap.
AVA	Regional Market Participation	6/21/2024	AVA does not see an impact on regional market participation so long as AVA is not prevented from using owned and contracted generation when it does not specifically serve AVA loads. The monthly use cap may introduce additional forecast error that will need to be managed when optimizing portfolios. Utilities may not be as aggressive in selling excess generation as a result of the monthly use cap.	The Commission and Staff are actively engaged with CAISO and SPP to ensure that WA IOUs are able to use their owned and contracted generation for both CETA compliance and organized markets.

AVA, PAC, PSE, AWEC, NIPPC, WPTF (Joint Comments)	Monthly Compliance Framework	6/21/2024	The proposed rules propose a cap on the amount of CETA-eligible generation that can be claimed monthly, effectively prohibiting utilities from using all CETA-eligible generation within each compliance period as the legislature intended. The joint commenters cite "Superior Asphalt & Concrete Co. v. Dept. of Labor & Indus.", a case before the WA supreme court as an example of where agencies may not adopt regulation that effectively modifies or amends statute.	The Commission believes that the ability to implement such a limit on CETA-compliant energy is within the authority of the Commission and does not compromise statutory four-year compliance periods. RCW 19.405.040(1)(a)(ii) states that "an electric utility must . . . use electricity from renewable resources and nonemitting electric generation . . . over a multiyear compliance period." With the implementation of a monthly use cap, the Commission would not be prohibiting the use of CETA-eligible generation. The Commission would be acknowledging that the use of some CETA-eligible generation is categorically impossible if the amount of CETA-compliant energy being claimed by a utility exceeds the amount of possible uses that could have been served by the utility within the same time period.

AVA, PAC, PSE, AWEC, NIPPC, WPTF (Joint Comments)	Plain language of CETA	6/21/2024	Joint commenters claim, while paraphrasing RCW 19.405.040(1)(a), that the monthly use cap would conflict with CETA's plain language to demonstrate compliance over the four-year compliance period.	The Commission has declined to implement the monthly use cap in the Proposed CR-102 Draft Rules, but will continue to monitor resource shuffling through the reporting requirements added to WAC 480-100-650 in the Proposed CR-102 Draft Rules. The monthly use cap is not a monthly compliance requirement, but instead a recognition of what a utility could have possibly been used during a monthly time period. The monthly use cap would not impose a minimum compliance requirement beyond the four-year compliance period or one-year compliance period after 2045. Staff notes that obtaining a commodity is not the same as using a commodity, and the previously considered monthly use cap sets generous boundaries around what could possibly be considered used by a utility in a manner that is straightforward to implement.
AVA, PAC, PSE, AWEC, NIPPC, WPTF (Joint Comments)	Legislative Intent, UTC Authority	6/21/2024	If the legislature intended for compliance more granular than a four- or one-year period, it would have done so or delegated authority to the Commission. Because the legislature specified a temporal period, the Commission lacks the authority to adopt anything stricter than four-year for the GHG neutrality standard and one-year for the 100 percent renewable standard.	The Commission believes that the ability to implement such a limit on CETA-compliant energy is within the authority of the Commission and does not compromise statutory four-year compliance periods. The monthly use cap instead recognizes reasonable limits on what amount of electricity could possibly be used by a utility on a monthly basis.

AVA, PAC, PSE, AWEC, NIPPC, WPTF (Joint Comments)	Hydro Flexibility	6/21/2024	Legislative intent was meant to provide flexibility for hydro resources at RCW 19.405.010(7). The monthly use cap would limit the ability of hydropower to deliver benefits to Washington over a four-year period.	Staff strongly disagrees with this characterization of the monthly use cap and does not believe it to be an accurate description of the previously proposed monthly use cap language. Staff notes that under the monthly use cap, hydro resources can still benefit Washington customers by being claimed towards CETA compliance (up to the monthly use cap) or being sold. The monthly use cap would not prevent utilities from selling excess hydropower to gain benefits for Washington ratepayers.
AVA, PAC, PSE, AWEC, NIPPC, WPTF (Joint Comments)	Different from Commerce	6/21/2024	The monthly compliance requirement departs from Commerce regulations, citing CETA intent at RCW 19.405.010(1) that COM and UTC "coordinate" implementation of CETA.	The monthly use cap is not a monthly compliance requirement. The Commission aligns its rules with Commerce to the extent possible, while recognizing that investor-owned and consumer-owned utilities exist under different regulatory structures. The proposed rules also reflect changes in law (CCA) and market development since the adoption of Commerce's rules.
James Adcock	Batteries and Double Counting	6/21/2024	There is a risk that energy will be counted when it goes into and comes out of batteries.	The monthly use cap uses an intentionally broad definition of "use" that includes all instances where energy could be used by utilities. The goal of the monthly use cap is to mitigate the most egregious cases of resource shuffling.
James Adcock	Fossil Generation	6/21/2024	Any fossil generation that is not exported should be subtracted from the monthly use cap.	The Commission and Staff do not believe that such a requirement is enforceable.

PGP	Alignment with Commerce	6/21/2024	PGP encourages the Commission to adopt rules aligned with Commerce to limit the possibility of friction in REC markets, bilateral energy markets, and centralized electricity markets resulting from two interpretations of "use" in the state and preserve the multi-year compliance periods.	The Commission aligns its rules with Commerce to the extent possible, while recognizing that investor-owned and consumer-owned utilities exist under different regulatory structures. The proposed rules also reflect changes in law (CCA) and market development since the adoption of Commerce's rules.
PGP	Perkins Coie Memo	6/21/2024	PGP attaches the Perkins Coie legal memo for reference.	Staff disagrees with the interpretations and findings of the Perkins Coie legal memo. Staff thanks PGP for including this material for reference.
PGP	Legislative Intent	6/21/2024	PGP believes that the legislative history clearly indicates that CETA's multi-year compliance period is meant to allow utilities to "bank" RECs from hydroelectric surplus. PGP claims the result of the cited hearing was to adopt the current GHG Neutrality Standard that requires utilities to demonstrate compliance at a minimum interval of every four years.	The causality of the hearing comments leading to the striking of the amendment cannot be verified by the information provided in comments. Staff was unable to find input from the IOUs on this particular issue.
PGP	CETA Intent Language	6/21/2024	CETA intent (RCW 19.405.010) states that the intent of the legislature is to provide flexible tools to address hydropower variability.	RCW 19.405.010 does not address the definition of "use".
PGP	Monthly Use Cap Neutralizes Multi-Year Flexibility	6/21/2024	The monthly use cap, though it does not set a monthly minimum for CETA compliance, practically limits the amount of energy an IOU can claim for primary compliance, running against the plain language of CETA.	If the monthly use cap was implemented, the Commission would not be prohibiting the use of CETA-eligible generation. The Commission would be acknowledging that the use of some CETA-eligible generation is categorically impossible if the amount of CETA-compliant energy being claimed by a utility exceeds the energy that the utility could have possibly used during the same time period.

PSE	Unable to Complete Analysis	6/21/2024	PSE is unable to complete additional analysis before the deadline and may submit a supplemental filing at a later date.	PSE filed additional analysis at a later date. The Commission and Staff thank PSE for providing additional analysis regarding the monthly use cap.
AVA	Low Renewable Output Model Scenario	11/27/2024	Recommend removal of the "low renewable output conditions" model requirement, since the four-year compliance period is meant to mitigate the impacts of low-water years or other variances in renewable outputs.	This requirement has been removed from the draft rules after considering feedback from multiple stakeholders because these discussions will be better addressed through existing planning processes. The Commission and Staff thank Avista, and all other participants, for their time and discussion when considering these changes.
AVA	Non-WREGIS RECs	11/27/2024	Recommend allowing the use of RECs that come from Eastern markets, as Avista intends to become a part-owner of the North Plains Connector and may obtain RECs from outside of the WREGIS system.	This change has been implemented in the Proposed CR-102 Draft Rules.
AVA	Interim Targets	11/27/2024	Request for clarification on how utilities should plan for and comply with interim targets prior to the 2030 GHG Neutrality standard. As written, the draft rules do nothing until 2030, and if the UTC expects similar demonstration of compliance, the rules should reflect that expectation.	The standards for interim targets would be applied equally as they are described for the 2030 GHG Neutrality standard. This will be identified in the final order of this rulemaking.
AWEC	Adopt the Draft Rules	11/27/2024	AWEC supports the adoption of the draft rules, while reserving the right to support additional changes in the future.	Staff thanks AWEC for their continued participation in this docket.
BPA	Nonpower Attribute Clarification	11/27/2024	Note that NPAs are not thought of by BPA as a tangible certificate that would have a vintage, rather a statement about the NPAs of a nonemitting resource.	Staff and the Commission agree with this characterization. The concept of NPAs and its inclusion in the draft rules is meant to capture scenarios where RECs are not present, but claims may still be made for CETA-compliant energy.

BPA	Renewable Attribution Framework	11/27/2024	Request that the UTC use the term "Resource Attribution Framework" to refer to frameworks that do not just assign renewables, as a more accurate description of what CAISO and SPP intend to implement.	The determination of sufficient safeguarding against double counting has been changed to be determined on a case-by-case basis by the Commission in the Proposed CR-102 Draft Rules.
BPA	Renewable Attribution Framework, Double Counting	11/27/2024	BPA also requests that the Commission exclude “protections from double counting” or more precisely describe what the Commission intends by this qualifier.	The inclusion of double-counting protections means that participating in a particular resource allocation framework will not lead to double-counting concerns with respect to CETA compliance.
BPA	Renewable Attribution Framework	11/27/2024	Request clarification on what is meant by compliance where electricity is attributed to the utility by an organized market's attribution framework and how it differs from the other scenario included in the rules.	The definition of attribution has been removed from the current set of draft rules. Following other changes to the draft rules, the term “attribution” was no longer used including scenarios where power may be attributed to the state of Washington.
BPA	Double Counting Protections	11/27/2024	Request for clarification regarding the demonstration of a lack of double-counting in an organized market.	Under the current proposed rules, the Commission would decide whether double counting protections are strong enough in the context of a resource allocation framework. Given that there are only two day-ahead markets being developed, Staff believes that assessing this issue with market participants before rendering a decision will be a better solution than codification in the proposed draft rules.

CRS	RECs and NPAs, Double Counting	11/27/2024	RECs are inclusive of all NPAs and cannot be separated according to RCW 19.405.020(30) and WAC 480-109-060(31). This is also reflected in WREGIS, EPA, and Southwest Power Pool's definitions of RECs. Double counting will occur if NPAs are allowed without RECs, violating WA law and creating loopholes that will encourage double counting within other jurisdictions. Recommend that RECs and NPAs are inseparable where RECs are issued, editing the definition of NPA and mandating that IOUs must acquire and retire any RECs to claim NPAs for compliance.	This change has been implemented in the Proposed CR-102 Draft Rules.
CRS	Day-Ahead Markets	11/27/2024	Alignment of REC systems and emissions allocations in EDAM and Markets+ can be achieved by adopting CRS' recommendation to ensure RECs and NPAs cannot be separated.	This change has been implemented in the Proposed CR-102 Draft Rules, but this rulemaking will not address the feasibility of day-ahead markets to align with REC accounting.
CRS	Bundled Market Purchases	11/27/2024	Washington could allow for the proper allocation of renewable attributes by allowing for primary compliance to include renewable energy allocated through market transactions plus the procurement of equivalent RECs from market resources allocated to WA. Clarification to existing rules would allow this process to occur, avoids price gouging, allows participation in organized markets without violating REC ownership requirements, and ensures proper allocation of renewable attributes. Draft rules would only need to specify what is required and permitted for CETA Compliance, without specifying the particular process.	This change has been implemented in the Proposed CR-102 Draft Rules at WAC 480-100-670(6).

CRS	Definitions – Allocation and Attribution, Renewable Attribution Framework	11/27/2024	Suggestions to modify the definitions of attribution, allocation, and renewable attribution framework.	The definition of attribution has been dropped from the proposed draft rules, as the term is no longer used in the Proposed CR-102 Draft Rules. The definition of renewable attribution framework has been changed significantly, and is now referred to as a "resource allocation framework".
CRS	Double Counting	11/27/2024	Request to clarify what must happen in order to demonstrate that no double counting has occurred.	Staff notes that the determination of sufficient safeguarding against double counting has been changed to be determined on a case-by-case basis by the Commission in the current set of draft rules.
JEA	Monthly Use Cap, Resource Shuffling, Previous Draft Rules	11/27/2024	JEA claims that utilities have opposed any restrictions on resource shuffling, including in planning in the 2022 iteration of the use rules. JEA also claims that current rules will allow for resource shuffling, where times with high excess generation will be used to offset times of low renewable output via REC banking. Expression of support for draft rules filed on April 9, 2024 or March 23, 2022.	The Commission has declined to implement the monthly use cap in the Proposed CR-102 Draft Rules, but will continue to monitor resource shuffling through the reporting requirements added to WAC 480-100-650 in the Proposed CR-102 Draft Rules. Staff agrees that the monthly use cap should be implemented in this rulemaking and that these rules should limit resource shuffling.

JEA	2045 100% Standard	11/27/2024	Recommendation that because the 2030 GHG Neutrality rules have been relaxed in this draft, that additional scrutiny be placed on the 2045 100% Clean standard.	The Commission will continue to monitor resource shuffling through the reporting requirements added to WAC 480-100-650 in the Proposed CR-102 Draft Rules. Staff believes that the additional reporting requirements added in the currently proposed draft rules will allow the Commission to monitor compliance over the next 20 years to assess what changes might be needed.
JEA	Allocation Framework Definition	11/27/2024	Suggestion to change the definition of "Renewable Attribution Framework" to "Greenhouse Gas Allocation Framework", adding Commission approval of double-counting protections to the definition.	This change has been implemented in the Proposed CR-102 Draft Rules. In the Proposed CR-102 Draft Rules, this term is now referred to as a "resource allocation framework".
JEA	CRS, Replacement Power	11/27/2024	Agreement with previous CRS proposal that "replacement power" may not be dirtier than the regional grid average.	Staff and the Commission acknowledge this preference and decline to implement this concept at this time.
JEA	Rule Reopener	11/27/2024	JEA suggests formalizing a reopening of these rules in 2032 to allow for data collection, market linkage, and the implementation of any changes needed to achieve state policy goals.	The Commission reserves the right to revisit and reopen rules at any time.
JEA	Planning Requirements	11/27/2024	Support for the hourly granularity of reporting requirements.	Staff agrees and thanks JEA for their continued participation in this rulemaking.
JEA	Other Minimum Percentages	11/27/2024	Recommend clarifying that utilities must comply with a minimum percentage of retail load established by the Commission through an approved interim target for CETA compliance in Draft WAC 480-100-675(1) and (2).	This change has been implemented in the Proposed CR-102 Draft Rules.
JEA	Use Cases for NPAs	11/27/2024	Recommend that NPAs only be considered for primary compliance if associated with resources that are non-REC generating.	This change has been implemented in the Proposed CR-102 Draft Rules at WAC 480-100-670(10).

JEA	Reporting requirements	11/27/2024	Recommend addition to reporting requirements to include the amount of renewable/nonemitting energy that the utility generated/purchased.	This change has been implemented in the Proposed CR-102 Draft Rules.
NIPPC	Double Counting within Load Based Programs	11/27/2024	Support for the clarification that RECs and NPAs are double counted if used within another load-based program, such as the Energy Independence Act.	The draft rules now explicitly state that a REC is not considered double counted if used for both CETA and the EIA.
NIPPC	Planning clarifications	11/27/2024	Support for clarifications made to the portfolio planning requirements found in Draft WAC 480-100-675.	Staff thanks NIPPC for their continued participation in this docket.
PAC	EDAM Participation	11/27/2024	PacifiCorp does not expect any issues participating in EDAM under these rules, since all electricity under EDAM is considered unspecified unless a bid adder is included, allowing PAC to claim CETA compliance without issue. The treatment of organized market energy transactions is consistent with today's treatment of unspecified transactions and is affirmed in these rules.	Staff agrees and thanks PacifiCorp for their continued participation in this rulemaking.
PAC	REC and NPA Transactions	11/27/2024	Request for clarity regarding transactions of RECs and NPAs, language included to address this.	Existing organized market structures do not allow for the transfer of RECs. The Proposed CR-102 Draft Rules at WAC 480-100-670(8) will be able to be applied to organized electricity markets.
PAC	Accounting Framework Definition	11/27/2024	Request change to "organized market energy and emissions accounting framework", modify definition to reflect EDAM functionality.	Staff believes that the definition of “resource allocation framework” in the Proposed CR-102 Draft Rules sufficiently captures both EDAM and Markets+ functionality.
PAC	Hourly Planning Obligation, Compliance	11/27/2024	PacifiCorp does not oppose an hourly planning obligation so long as the Commission acknowledges that annual CETA progress reports have the potential to be misconstrued if compared directly to the IOU's annual interim target, given the mismatch between hourly planning and four-year compliance. Commission should make clear in adoption order that compliance is based on the four-year period.	This change has been implemented in the Proposed CR-102 Draft Rules at WAC 480-100-675(1).

PAC	Cost Allocation Methodologies	11/27/2024	Note that PacifiCorp will continue to use established cost-allocation methodologies to reflect energy that serves Washington.	It is expected that cost allocation methodologies will be allowed for CETA compliance, and that is not affected by the rules proposed in this rulemaking.
PAC	REC and NPA language	11/27/2024	Request for language to properly reflect the characteristics of NPAs and RECs, and minor typo corrections, consistency with recommended definition changes.	This change has been implemented in the Proposed CR-102 Draft Rules.
PGP	Market transactions and RECs/NPAs	11/27/2024	CAISO and SPP are developing out-of-market accounting and reporting approaches that can facilitate compliance with non-priced GHG reduction programs. Neither market provides for the contractual conveyance of RECs or NPAs associated with energy in the markets.	Staff agrees with this characterization.
PGP	Pricing Zones	11/27/2024	Rules should clarify that energy attributed to a pricing zone would render the RECs and NPAs unusable for CETA compliance, and that if an entity offers energy as zero-emitting but not to a pricing zone, it should still be eligible for CETA. Language is included.	Staff does not believe that this change can be implemented in light of other double-counting concerns.
PGP	Language	11/27/2024	Replace “centralized electricity market” with “organized electricity market”.	This change has been implemented in the Proposed CR-102 Draft Rules.
PGP	Language	11/27/2024	Replace "renewable attribution framework" with "GHG attribution framework" and "energy and emissions accounting protocol".	Staff notes that the definition of renewable attribution framework has been changed significantly since the November 2024 iteration of the draft rules. In the Proposed CR-102 Draft Rules, this term is now referred to as a “resource allocation framework”.
PSE	Language – Renewable Attribution Framework	11/27/2024	Suggestion to change the definition of "Renewable attribution framework" since current day-ahead markets do not incorporate REC transfers.	Staff notes that the definition of renewable attribution framework has been changed significantly since the November 2024 iteration of the draft rules. In the Proposed CR-102 Draft Rules, this term is now referred to as a “resource allocation framework”. Staff believes that the updated definition,

				accompanied by changes to the Proposed CR-102 Draft Rules at WAC 480-100-670(8), address the concerns expressed by PSE.
PSE	REC Transfer Clarification	11/27/2024	Suggestion for Draft WAC 480-100-670(6) and (8), to clarify the terms under which RECs are and are not transferred in electricity transactions.	The Proposed CR-102 Draft Rules at WAC 480-100-670(6) and (8) currently address the concerns expressed by PSE regarding the inability of day-ahead markets to transfer RECs and the functioning of priced GHG zones.
PSE	Planning Standard	11/27/2024	Suggestions for language regarding the planning standard to clarify that plans may deviate from reality.	This change has been implemented in the Proposed CR-102 Draft Rules.
PSE	Preferred Portfolio	11/27/2024	Request for clarification that not all planning documents have a "preferred portfolio", and some may only have one.	This change has been implemented in the Proposed CR-102 Draft Rules.
PSE	Storage Reporting	11/27/2024	Suggestion to strike the storage component of the Clean Energy progress reports, citing issues with customer-side storage resources.	This requirement is meant only to gather information on utility-owned and contracted resources, not customer-side resources.
WPTF	Renewable Attribution Framework	11/27/2024	Recommend deleting the Renewable Attribution Framework requirement to have protections against double counting. Both CAISO and SPP's market frameworks are expected to provide for the unique assignment of energy dispatched by utility-owned or contracted resources, allowing for validation for contracted electricity but not for validation of the contracts themselves, nor the transfer of RECs/NPAs.	Staff notes that the determination of sufficient safeguarding against double counting has been changed to be determined on a case-by-case basis by the Commission in the Proposed CR-102 Draft Rules.

WPTF	Double Counting	11/27/2024	Recommend adding the onus of preventing double counting on the offering utility in a market setting.	Staff agrees that the onus of preventing double counting should fall to utilities, but also that the Commission should play a role in determining the threat of double-counting within a renewable attribution framework.
WPTF	Ownership of RECs	11/27/2024	Recommend modifications to draft Draft WAC 480-100-670(6) to reflect that RECs and NPAs are not transferred within organized markets, and that utilities may already own RECs and NPAs when transacting in a market.	This change has been implemented in the Proposed CR-102 Draft Rules.
WPTF, AVA, AWEC, BPA, NIPPC, PAC, PGP, PSE	Monthly Use Cap Removal	11/27/2024	Multiple commenters expressed support for the removal of the monthly use cap.	The Commission has declined to implement the monthly use cap in the Proposed CR-102 Draft Rules, but will continue to monitor resource shuffling through the reporting requirements added to WAC 480-100-650 in the Proposed CR-102 Draft Rules. Staff disagrees with the removal of the monthly use cap.
AVA	Low Renewable Output Conditions	4/25/2025	Avista requests clarification that the low renewable resource scenario will be used only for ex-post discussions.	This requirement has been removed from the draft rules after considering feedback from multiple stakeholders because these discussions will be better addressed through existing planning processes. The Commission and Staff thank Avista, and all other participants, for their time and discussion when considering these changes.
AVA	CETA and EIA	4/25/2025	Request for clarification that RECs used for CETA compliance may also be used for compliance with the Energy Independence Act.	This change has been implemented in the Proposed CR-102 Draft Rules at WAC 480-100-670(9).
AVA	Definition Reference	4/25/2025	The reference to RCW 19.405.020(28) should be RCW 19.405.020(27)	This change has been implemented in the Proposed CR-102 Draft Rules.

AVA	Language Suggestion	4/25/2025	In Draft WAC 480-100-675(1), the end of line 5 looks like it should be (or) instead of (and).	This change has been implemented in the Proposed CR-102 Draft Rules.
CRS	Adopt as Written	4/25/2025	CRS supports adopting the draft rules from April 1, 2025, as written.	Staff thanks CRS for their continued participation in this docket.
JEA	Double Counting	4/25/2025	Support for additional double counting protections, appreciation that the Commission has incorporated feedback from the EPA. Pairing RECs with market allocation for primary compliance may ultimately improve transparency of market transactions.	Staff and the Commission agree with the need for double counting protections. Staff notes that the ability of centralized electricity market functions to accommodate REC transactions will not be determined in this rulemaking.
JEA	Storage	4/25/2025	JEA raises an outstanding issue regarding storage, round trip losses, and primary compliance. Quote to WAC 480-100-650, where storage resource losses are not considered retail electric load as defined in RCW 19.405.020(36). JEA states that Commerce has flagged this as a future issue, and recommends that this is addressed as a joint issue.	Staff has discussed the issue raised by the JEA with the Department of Commerce and has not identified any solutions to the hypothetical posed by JEA at this time. Staff remains open to future discussion on this issue.
JEA	Existing Language	4/25/2025	Support for Draft WAC 480-100-675 and c in the current draft rules.	Staff thanks JEA for their continued participation in this docket.
JEA	Reporting and Compliance	4/25/2025	Recommend adding the amount of renewable or nonemitting energy generated and purchased by each utility, justified by associated RECs or NPAs.	This change has been implemented in the Proposed CR-102 Draft Rules.
JEA	Retained RECs, Resource Shuffling	4/25/2025	Retained RECs should be limited, and advocating for the previous planning standard that would require a utility to meet 80% of load with renewable and nonemitting resources.	Staff agrees that retained RECs and resource shuffling should be limited as utilities work towards reducing fossil generation within their resource portfolios to comply with CETA.
PAC	General Support	4/25/2025	PacifiCorp expresses general support for the draft rules published on April 1, 2025, with modest adjustments.	Staff thanks PacifiCorp for their continued participation in this docket.

PAC	Cost Allocation Methodologies	4/25/2025	PacifiCorp requests clarification that market or cost allocation methodologies are permissible for supplying WA retail electric customers, otherwise PacifiCorp will not be able to comply with the rules as written. PAC notes that without the ability to do so, the company would be required to track electrons, which is not possible. PAC suggests striking Draft WAC 480-100-680(1)(b), claiming that (1)(a) accomplishes the goal, or striking Draft WAC 480-100-680 entirely while amending Draft WAC 480-100-670 to apply to both the GHG Neutrality and 100 percent clean energy standards of CETA.	Staff notes that it is expected that cost allocation methodologies will be allowed for CETA compliance, and that cost allocation methodologies are not affected by the Proposed CR-102 Draft Rules.
PAC	2045 100% Standard	4/25/2025	Suggestion to change last for of Draft WAC 480-100-680(1)(a) from "and" to "or".	Staff disagrees with this suggestion as it would significantly weaken the language of WAC 480-100-680 in the Proposed CR-102 Draft Rules. Staff notes that it is expected that cost allocation methodologies will be allowed for CETA compliance, and that cost allocation methodologies are not affected by the Proposed CR-102 Draft Rules.
PAC	“Retire” vs. “Submit” RECs/NPAs	4/25/2025	PacifiCorp suggests the use of “retire” instead of “submit” for RECs and NPAs, claiming that retirement is a more accurate description.	This change has been implemented in the Proposed CR-102 Draft Rules.
PAC	Deeming	4/25/2025	PacifiCorp suggests streamlining language, resource allocation framework already included in centralized electricity markets, use "deemed" instead of "attribution of resource"	Staff disagrees with this suggestion, and believes that the incorporation of this suggestion would require edits to the Proposed CR-102 Draft Rules that would create additional complications.

PC	Low Renewable Output Conditions	4/25/2025	A request for clarification regarding how "low renewable output conditions" are defined and what is the intent of the phrase "how effectively" within Draft WAC 480-100-675.	This requirement has been removed from the draft rules after considering feedback from multiple stakeholders. These discussions will be better addressed through existing planning processes. The Commission and Staff thanks Public Counsel, and all other participants, for their time and discussion when considering these changes.
PGP	Market Participation	4/25/2025	It is critical that any rules related to centralized electricity markets adopted by WA agencies allow electric utilities to fully participate in CAISO or SPP markets without compromising CETA compliance.	The Commission and Staff recognize the importance of market participation for Washington utilities and believe that the proposed rules allow for utilities regulated by the Commission to participate in day-ahead markets without impeding CETA compliance.
PGP	Attribution Timing	4/25/2025	PGP notes that attribution of electricity to WA occurs as a result of market optimization, not the accounting and reporting (A&R) framework. A&R reflects market attribution after the fact.	This change has been implemented in the Proposed CR-102 Draft Rules.
PGP	GHG Neutrality Standard, Specified Power	4/25/2025	PGP notes that "specified sales" do not apply to markets, and the rules should instead be preventing "attribution to a GHG pricing zone".	Staff acknowledges the differences between how specified power is applied between bilateral and centralized market settings. However, Staff believes that the current rules will provide enough guidance in both bilateral and centralized electricity markets based on Staff's current understanding of day-ahead market functions.
PSE	Dispatch and Scheduling	4/25/2025	PSE requests adding "scheduled into" the definition of centralized electricity markets.	This change has been implemented in the Proposed CR-102 Draft Rules.

PSE	GHG Neutrality Standard, Specified Power	4/25/2025	Support for PGP's comment, where PGP notes that "specified sales" do not apply to markets, and the rules should instead be preventing "attribution to a GHG pricing zone".	The Commission and Staff acknowledge the differences between how specified power is applied between bilateral and centralized market settings. However, the Commission and Staff believe that the current rules will provide enough guidance in both bilateral and centralized electricity markets based on the current understanding of day-ahead market functions.
PSE	Sum of Hourly Resources	4/25/2025	PSE requests clarification that the sum of hourly resources is intended to meet primary compliance obligation over a four-year compliance period.	This change has been implemented in the Proposed CR-102 Draft Rules, though Staff believes that it is redundant.
PSE	Reporting and Compliance	4/25/2025	PSE requests that reporting requirements begin in 2026, as it would be too late to implement in 2025.	This change has been implemented in the Proposed CR-102 Draft Rules.
PSE	Reporting and Compliance	4/25/2025	PSE requests that storage efficiency reporting be struck from proposed draft section WAC 480-100-650(3)(m).	Staff has discussed this issue with PSE and changes have been incorporated into proposed draft section WAC 480-100-650(3)(l).
WPTF	Definitions, Attribution	4/25/2025	Recommend several changes to the definition of "attribution" to better reflect how attribution works in the EDAM and Markets+ market designs.	The definition of attribution has been removed from the current set of draft rules. Following other changes to the draft rules, the term "attribution" was no longer used.
WPTF	Definitions, Market Allocation	4/25/2025	Changes to "market allocation" to improve clarity and consistency with the centralized market allocation mechanisms being developed, and to better distinguish the allocation and attribution mechanisms.	This change has been implemented in the Proposed CR-102 Draft Rules.
WPTF	GHG Neutrality Standard, Market Allocation	4/25/2025	Recommend the deletion of Draft WAC 480-100-670(6)(b) as it is unnecessary.	This change has been implemented in the Proposed CR-102 Draft Rules

WPTF	GHG Neutrality Standard, Specified Power	4/25/2025	Recommend edits to Draft WAC 480-100-670(8)(b) to better reflect the functions of centralized electricity markets, such as the differences between bilateral and centralized markets.	There are differences between how specified power is applied between bilateral and centralized market settings. However, Staff believes that the current rules will provide enough guidance in both bilateral and centralized electricity markets based on Staff's current understanding of day-ahead market functions.