

**Exh. JNS-11
Docket UE-210829
Witness: Jaclynn N. Simmons**

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

**WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,**

Complainant,

v.

**PACIFICORP d/b/a PACIFIC POWER
& LIGHT COMPANY,**

Respondent.

DOCKET UE-210829

EXHIBIT TO TESTIMONY OF

JACLYNN N. SIMMONS

**ON BEHALF OF STAFF OF
WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

PacifiCorp Response to UTC Staff Data Request No. 28

August 21, 2024

WUTC Data Request 28

In the ROM on 3/22/24 Chair Danner asked “Along the lines of every state policy, our state’s laws are that you will be carbon neutral by 2030 and carbon free by 2045... I am looking at these numbers and I am not confident given these numbers that you would achieve what CETA is asking for... when asked you said we can meet these if it is not going to raise costs. How confident are you that you will meet CETA’s obligations?”

Matt McVee responded, “by 2030... we were moving towards a decarbonized system but with the Ozone transport rule or stay in Utah, now there are complications there, we will *strive* that we can we get all the way there by 2030... we can *strive* to get there.” (emphasis added).

Under current Washington laws, CETA in RCW 19.405.010 (2)¹ it clearly lays out the Company’s obligations to be carbon neutral by 2030.

- (a) How is the Company going to comply with state law?
- (b) How is the Company going to show progress to get to carbon neutral by 2030 if the Company is not acquiring new resources?
- (c) Does the Company think that *striving* to reach the CETA obligations is enough?

Response to WUTC Data Request 28

PacifiCorp objects to this request to the extent it seeks legal analysis, opinions, and/or conclusions. PacifiCorp further objects to the data request to the extent it seeks information that is protected by the attorney-client and/or attorney work product privileges. Subject to and without waiving the foregoing objections, the Company responds as follows:

- (a) PacifiCorp assumes that the reference to “state law” is meant to mean Washington’s Clean Energy Transformation Act (CETA), and not other utility statutes, court decisions, or Washington Utilities and Transportation Commission (WUTC) regulations, policies, or orders. Based on the foregoing assumption, PacifiCorp responds as follows:

Please refer to the Company’s response to WUTC Data Request 19 and to the direct testimony filed with the WUTC on June 17, 2024. Additionally, the Company notes that Revised Code of Washington (RCW) 19.405.010(2) does not require compliance at any costs, rather the law reasonably excuses entities from compliance with the law under a variety of circumstances, including to the extent the costs to comply exceed

¹ [RCW 19.405.010\(2\)](#).

- relevant cost thresholds, or if compliance would otherwise compromise system reliability, for example, RCW 19.405.060. PacifiCorp is currently seeking public input on the development of its 2025 Integrated Resource Plan, which will help inform the 2025 Clean Energy Implementation Plan.
- (b) The Company disagrees with the assumption that it is not acquiring new resources. The Company is acquiring significant volumes of new resources. Please refer to PacifiCorp's response to WUTC Data Request 9 and to the direct testimony filed with the WUTC on June 17, 2024. PacifiCorp will also be procuring for the 2026 through 2029 compliance period. PacifiCorp's revised interim targets in the Biennial CEIP relate only to the 2021 through 2025 compliance period.
- (c) As PacifiCorp stated in the recessed open meeting on March 22, 2024, it will comply with CETA in 2030, subject to cost and reliability considerations that are provided for in the legislation. PacifiCorp also continues to add non-emitting resources, as identified in PacifiCorp's response to WUTC data request 9 and in the direct testimony filed with the WUTC on June 17, 2024. PacifiCorp simply seeks to comply by applying prudent resource planning practices in the least cost manner, using the most current information, without harming the financial health of the utility and putting customers at risk of longer-term rate impacts.

PREPARER: Matt McVee
SPONSOR: Matt McVee