



RULE-MAKING ORDER

CR-103 (June 2004) (Implements RCW 34.05.360)

Agency: Department of Community, Trade and Economic Development

- Permanent Rule**
 Emergency Rule

Effective date of rule:

Permanent Rules

- 31 days after filing.
 Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: Implement RCW 19.285, the Energy Independence Act (I-937)

Citation of existing rules affected by this order:

Repealed:
 Amended:
 Suspended:

Statutory authority for adoption: RCW 19.285.080 (2)

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 08-02-043 on 12/27/07 (date).

Describe any changes other than editing from proposed to adopted version: CR-103

Describe any changes other than editing from proposed to adopted version: In WAC 194-37-040(21) added "comply with all applicable environmental laws and regulations" to the definition of "qualified incremental hydropower efficiency improvements."

In WAC 194-37-070(6)(iii), which describes the Power Council's methodology for calculating "avoided costs," added "regional" to "market prices."

Clarified, in WAC 194-37-080(11), how a utility may document shortfalls in meeting its conservation target due to lack of customer participation.

Changed sections WAC 194-37-070(3)(b), WAC 194-37-090(2)(a), WAC 194-37-100(3) to waive the requirement for professional engineer sign-off if the measures or components on are the RTF's list of deemed measures.

Clarified WAC 194-37-110(2)(a)(i)C so that shortfalls in expected generation and production of RECs that are made up by additional purchases of RECs or eligible renewable resources are documented separately from shortfalls that are not made-up due to "force majeure."

Accepted the rewritten sub-section WAC 194-37-160(2) as submitted jointly by a number of stakeholders. The new language clarified how to use the "permanent one-time only" methodology for documenting the financial cost cap.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
 That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted: March 14, 2008

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 18, 2008
TIME: 2:40 PM

WSR 08-07-079

NAME (TYPE OR PRINT)
Juli Wilkerson

SIGNATURE

Juli Wilkerson

TITLE

Director, WA State Dept. of Community, Trade, & Economic
Development

(COMPLETE REVERSE SIDE)

Juli Wilkerson

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	<u>21</u>	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____