Agency: Washington State Department of Commerce

Subject of possible rule making: Consideration of potential changes to the method in WAC 194-37-140(2) of determining whether a utility’s weather-adjusted load is growing.

Statutes authorizing the agency to adopt rules on this subject: RCW 19.285.080(2)

Reasons why rules on this subject may be needed and what they might accomplish: The Department of Commerce received a request from the State Auditor for an interpretation of the “no-growth” provision in WAC 194-37-140(2) and the associated statute, RCW 19.285.040(2)(d)(i). The Auditor’s letter identifies an alternative calculation proposed by a utility during the course of an audit. After reviewing this request, Commerce believes that it would be appropriate to consider the existing rule provision along with a number of other possible calculation methods. The inquiry will allow Commerce to identify a calculation method that is a reasonable and permissible construction of the statutory provision and furthers the overall purpose of the Energy Independence Act (Chapter 19.285 RCW).

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The State Auditor reviews compliance by municipal utilities and public utility districts that are subject to RCW 19.285.040. The Utilities and Transportation Commission oversees compliance with RCW 19.285.040 by investor-owned utilities. Commerce will consult with the UTC and the State Auditor during the rulemaking process.

Process for developing new rule (check all that apply):
☐ Negotiated rule making
☐ Pilot rule making
☐ Agency study
☒ Other (describe) standard rule making

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

Name: Glenn Blackmon
Address: Department of Commerce, PO Box 42525, Olympia, WA 98504
Phone: 360 725-3115
Fax: 
TTY: 
Email: glenn.blackmon@commerce.wa.gov
Web site: commerce.wa.gov/eia
Other:

Email: 
Web site: 
Other:

Additional comments: Commerce intends to limit this rule making inquiry to WAC 194-47-140(2).
<table>
<thead>
<tr>
<th>Date:</th>
<th>November 22, 2017</th>
<th>Signature:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td>Jaime Rossman</td>
<td></td>
</tr>
<tr>
<td>Title:</td>
<td>Rules Coordinator</td>
<td></td>
</tr>
</tbody>
</table>