



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (October 2017)**  
**(Implements RCW 34.05.310)**

Do **NOT** use for expedited rule making

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DATE: November 22, 2017

TIME: 9:41 AM

WSR 17-23-185

**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:**

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Other:	Other:

Additional comments: Commerce intends to limit this rule making inquiry to WAC 194-47-140(2).

<b>Date:</b> November 22, 2017	<b>Signature:</b> 
<b>Name:</b> Jaime Rossman	
<b>Title:</b> Rules Coordinator	