**RULE-MAKING ORDER**  
**PERMANENT RULE ONLY**

**CR-103P (December 2017)**  
(Implements RCW 34.05.360)

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**Agency:** Washington State Department of Commerce

**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)

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

- ☐ Yes  ☒ No  ☐ If Yes, explain:

**Purpose:** The rule revises the method of determining whether a qualifying utility is eligible to use the no-growth compliance method under RCW 19.285.040(2)(d) of the Energy Independence Act. The revision is proposed in response to a request from the State Auditor for an interpretation of the existing calculation rule. The proposed method more closely tracks the language in the statute. The proposed method supports the policy objectives of the Energy Independence Act by clarifying and limiting the application of the no-growth cost cap provision.

**Citation of rules affected by this order:**

- New: None
- Repealed: None
- Amended: WAC 194-37-140
- Suspended: None

**Statutory authority for adoption:** RCW 19.285.080(2)

**Other authority:**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 18-08-039 on March 28, 2018 (date).

Describe any changes other than editing from proposed to adopted version: None

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

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Web site:
- Other:
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:

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<tr>
<th>Category</th>
<th>New</th>
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<th>Repealed</th>
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<td>0</td>
</tr>
<tr>
<td>Federal rules or standards</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Recently enacted state statutes</td>
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</table>

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

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The number of sections adopted on the agency’s own initiative:

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

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The number of sections adopted using:

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<tr>
<td>Pilot rule making</td>
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<tr>
<td>Other alternative rule making</td>
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**Date Adopted:** 6/5/18

**Name:** Brian Bonlender

**Title:** Director

**Signature:**

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