



# PROPOSED RULE MAKING

## CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: March 24, 2021

TIME: 11:08 AM

WSR 21-07-150

Agency: Department of Commerce

Original Notice

Supplemental Notice to WSR \_\_\_\_\_

Continuance of WSR \_\_\_\_\_

Preproposal Statement of Inquiry was filed as WSR 19-14-050 ; or

Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW \_\_\_\_\_.

Title of rule and other identifying information: (describe subject) Chapter 194-40 WAC – Clean Energy Transformation Act

### Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
04/28/2021	1:00 p.m.	Zoom meeting	This hearing will be virtual only. Please check the Clean Energy Transformation Act (CETA) webpage for meeting information: <a href="https://www.commerce.wa.gov/growing-the-economy/energy/ceta/">https://www.commerce.wa.gov/growing-the-economy/energy/ceta/</a>

Date of intended adoption: 05/21/2021 (Note: This is NOT the effective date)

### Submit written comments to:

Name: Sarah Vorpahl  
Address: P.O. Box 42525, Olympia, WA 98504  
Email: ceta@commerce.wa.gov  
Fax:  
Other:  
By (date) 04/28/2021

### Assistance for persons with disabilities:

Contact Austin Scharff  
Phone: 360.764.9632  
Fax:  
TTY:  
Email: ceta@commerce.wa.gov  
Other:  
By (date) 04/28/2021

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed rule establishes definitions for 'energy assistance need' and 'low-income' in WAC 194-40-030. The definitions affect requirements for electric utilities in RCW 19.405.120 and are proposed to ensure proper implementation of CETA. These definitions do not limit any utility from designing a program that uses values below the defined threshold for energy assistance need and low-income to define eligible participants.

**Reasons supporting proposal:** The rule implements Commerce's statutory directive to adopt rules establishing reporting requirements for electric utilities to demonstrate compliance with CETA and to ensure proper implementation of CETA. Both of the statutory definitions of "energy assistance need" and "low-income" in RCW 19.405.020 direct Commerce to provide specific thresholds for the terms. The proposed regulatory definitions provide the thresholds for those terms. These definitions are identical to definitions already adopted by the Utilities and Transportation Commission.

**Statutory authority for adoption:** RCW 19.405.100; RCW 19.405.120

**Statute being implemented:** Chapter 19.405 RCW

**Is rule necessary because of a:**

- Federal Law?  Yes  No  
Federal Court Decision?  Yes  No  
State Court Decision?  Yes  No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None

**Name of proponent:** (person or organization) Department of Commerce

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Sarah Vorpahl	1011 Plum Street SE P.O. Box 42525 Olympia, WA 98504-2525	360 688-6000
Implementation:	Department of Commerce	1011 Plum Street SE P.O. Box 42525 Olympia, WA 98504-2525	360 407-6000
Enforcement:	Attorney General	1125 Washington Street SE PO Box 40100 Olympia, WA 98504-0100	360 725-6200

**Is a school district fiscal impact statement required under RCW 28A.305.135?**

- Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

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

**Is a cost-benefit analysis required under RCW 34.05.328?**

- Yes: A preliminary cost-benefit analysis may be obtained by contacting:

- Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:

Other:

No: Please explain: RCW 34.05.328 does not apply to the Department of Commerce.

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

RCW 34.05.310 (4)(b)  
(Internal government operations)

RCW 34.05.310 (4)(e)  
(Dictated by statute)

RCW 34.05.310 (4)(c)  
(Incorporation by reference)

RCW 34.05.310 (4)(f)  
(Set or adjust fees)

RCW 34.05.310 (4)(d)  
(Correct or clarify language)

RCW 34.05.310 (4)(g)  
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_.

Explanation of exemptions, if necessary:

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**


If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. The proposed rule does not impose any additional cost on any person. It establishes definitions, as required by RCW 19.405.020, used in the implementation of RCW 19.405.120.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

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

<b>Date:</b> March 24, 2021	<b>Signature:</b> 
<b>Name:</b> Amber Siefer	
<b>Title:</b> Rules Coordinator	