



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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September 15, 2020

NOTICE OF OPPORTUNITY TO FILE WRITTEN COMMENTS
(By 5 p.m., Friday, October 9, 2020)

RE: Relating to Energy Assistance in Section 12 of the Clean Energy Transformation Act,
Docket UE-200629

TO ALL INTERESTED PERSONS:

Section 12 of the Clean Energy Transformation Act (CETA), codified as RCW 19.405.120, includes provisions regarding energy assistance, or utility programs undertaken to reduce customer energy bills. Section 2 of CETA, codified as RCW 19.405.020, includes four definitions related to energy assistance: low-income, energy burden, energy assistance, and energy assistance need. Of the four definitions, CETA directed the Washington Utilities and Transportation Commission (Commission) and the Washington Department of Commerce (Commerce) to establish levels within the definitions of “low-income” and “energy assistance need.”

The Commission and Commerce received stakeholder input regarding definitions related to energy assistance through their respective CETA rulemakings, including the Commission’s Energy Independence Act (EIA) rulemaking in Docket UE-190652 and the Commission’s Integrated Resource Plan rulemaking in Docket UE-190698, which has been consolidated with Docket UE-191023. Those definitions, as included in the Commission’s CR-102 for the EIA rulemaking,¹ are as follows:

- “Low-income” means household incomes that do not exceed the higher of eighty percent of area median income or two hundred percent of federal poverty level, adjusted for household size;
- “Energy burden” means the share of annual household income used to pay annual home energy bills [statutory definition];

¹ The definitions are in WAC 480-109-060.

- “Energy assistance” means a program undertaken by a utility to reduce the household energy burden of its customers.
 - Energy assistance includes, but is not limited to, weatherization, conservation and efficiency services, and monetary assistance, such as a grant program or discounts for lower income households, intended to lower a household's energy burden.
 - Energy assistance may include direct customer ownership in distributed energy resources or other strategies if such strategies achieve a reduction in energy burden for the customer above other available conservation and demand-side measures [statutory definition]; and
- “Energy assistance need” means the amount of assistance necessary to achieve an energy burden equal to six percent for utility customers.

With the energy assistance definitions from Section 2 of CETA substantively established, the Commission has opened a Staff Investigation on energy assistance in Section 12 of CETA in Docket UE-200629 with the intention of issuing a policy and interpretative statement on energy assistance by early 2021.

ISSUE DISCUSSION

Pursuant to RCW 19.405.090(9), the Commission must determine compliance with the requirements of CETA, including the energy assistance provisions in RCW 19.405.120, applicable to investor owned utilities (IOUs). In addition to determining compliance with RCW 19.405.120 for consumer owned utilities, Commerce will collect utility information, assessments, and plans, as well as report to the legislature biennially.

In addition to the questions below, Commission Staff invites stakeholders to provide any general comments related to the energy assistance provisions in RCW 19.405.120(2), which includes three distinct, though inter-related, requirements:

- An electric utility must make programs and funding available for energy assistance to low-income households by July 31, 2021;
- Each utility must demonstrate progress in providing energy assistance pursuant to the assessments and plans required in RCW 19.405.020(4); and
- To the extent practicable, priority must be given to low-income households with a higher energy burden.

RCW 19.405.020(4) requires utilities to provide both an assessment of and a plan for improvement of utility energy assistance programs in three distinct areas:

- The effectiveness of programs and mechanisms in the short-term and sustained reduction of energy burden;
- The outreach strategies used to encourage participation of eligible households, including:
 - Consultation with community-based organizations and Indian tribes as appropriate and
 - The linguistic and culture appropriateness of comprehensive enrollment campaigns for customers in vulnerable populations; and

- Funding levels compared to the funding needed to meet:
 - 60 percent of the current energy assistance need or increasing energy assistance by 15 percent over the amount provided in 2018, whichever is greater, by 2030; and
 - 90 percent of the current energy assistance need by 2050.

QUESTIONS FOR CONSIDERATION

The Commission requests comments in response to the following questions.

- 1) As noted above, RCW 19.405.120(2) requires utilities make “programs and funding” available for energy assistance to low-income households by July 31, 2021.
 - a. What does the term “programs” mean in the context of RCW 19.405.120(2)? Is a program the same or different than the four types of energy assistance included in the “energy assistance” definition in RCW 19.405.020(15):
 - monetary assistance;
 - conservation, weatherization, and efficiency services;
 - direct distributed energy resource ownership; and
 - other additional strategies.

Please explain your answer.

- b. How should the Commission determine whether a utility’s “programs” and “funding” comply with RCW 19.405.120(2)?
- c. How does the meaning of “low-income” relate to the eligibility requirements for energy assistance programs and funding offered by utilities? Do you agree with any of the four interpretations, or parts of the interpretations, offered by stakeholders to date? The four interpretations are summarized below.
 - A utility must offer at least one low-income program where the eligibility for the program does not exceed the income levels established in the low-income definition.
 - A utility must have at least one program that is available to all customers up to the income levels established in the low-income definition.
 - The utility must have at least two programs that are available for all customers up to the income levels established in the low-income definition.
 - The utility must serve all customers up to the income levels established in the low-income definition for all energy assistance programs offered by the utility.

Please explain your answers.

- d. Do utility programs that are primarily intended to avoid disconnection, such as emergency assistance that are not income qualified, reduce energy burden as defined in RCW 19.405.020(17)?
- 2) What principles and information should the Commission consider when determining whether a utility has “demonstrated progress in providing energy assistance?” Are the principles and information the same or different for the three elements of energy assistance: effectiveness, outreach, and funding?
 - 3) RCW 19.405.120(2) requires that, to the extent practicable, utilities prioritize energy assistance to low-income households with the highest energy burden.
 - a. What principles and information should the Commission consider when determining whether a utility has prioritized assistance to low-income households with the highest energy burden?
 - b. How should the Commission evaluate what is practicable? How should the Commission’s evaluation differentiate between what is practicable in the short-term versus the long-term?

WRITTEN COMMENTS

The Commission gives notice of the opportunity to submit written comments no later than **5 p.m., Friday, October 9, 2020.**

Pursuant to WAC 480-07-250(3), written comments must be submitted in electronic form, specifically in searchable .pdf format (Adobe Acrobat or comparable software). As provided in WAC 480-07-140(5), those comments must be submitted via the Commission’s web portal at www.utc.wa.gov/e-filing. If you are unable to submit documents via the portal, you may submit your comments by email to the Commission’s Records Center at records@utc.wa.gov or by mailing or delivering an electronic copy to the Commission’s Records Center on a flash drive, DVD, or compact disc that includes the filed document(s). Comment submissions should include:

- The docket number of this proceeding (Docket UE-200629).
- The commenting party’s name.
- The title and date of the comment or comments.

The Commission will post on its web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/200629>.

If you are unable to file your comments electronically the Commission will accept a paper document.

FUTURE STAKEHOLDER WORKSHOPS AND COMMENTING PERIODS

Stakeholders will have further opportunity for comment. Information about any workshops and other aspects of the rulemaking, including comments, will be posted on the Commission's website as it becomes available. Persons filing comments in response to this Notice will receive future communications the Commission issues in this docket. If you do not file comments but wish to receive such information you may contact the Commission's Records Center by telephone at (360) 664-1139 or by email records@utc.wa.gov and ask to be included on the mailing list for Docket UE-200629.

When contacting the Commission, please refer to Docket UE-200629 to ensure that you are placed on the appropriate service list. The Commission's mailing address is:

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If you have questions regarding this rulemaking, you may contact staff lead Kendra White at (360) 701-5363, or by email at kendra.white@utc.wa.gov.

/s/ Mark L. Johnson
MARK L. JOHNSON
Executive Director and Secretary