

RCW 19.405.170 Declaratory order—Application fee—Preemption.

(1) The commission may require an applicant to pay an application fee for a declaratory order requested under RCW 19.405.160. The amount of the fee must be set by the commission to solely cover the cost of reviewing the project and preparing a declaratory order, including a legal analysis.

(2) Nothing in RCW 19.405.160 preempts the authority of the commission from making a determination, independent of the processes under RCW 19.405.160, on whether a proposed energy transformation project, nonemitting electric generation project, or renewable resource project, under RCW 19.405.040 and 19.405.050, meets the planning and portfolio requirements of an investor-owned utility's clean energy implementation plan under this chapter.

(3) A declaratory order issued under RCW 19.405.160 does not by itself determine the prudence associated with an energy transformation project, nonemitting electric generation project, or renewable resource project.

(4) Nothing in RCW 19.405.160 may be construed to require an investor-owned utility to seek an order declaring whether the proposed resource or project complies with the requirements of RCW 19.405.040

(1) through (3) or 19.405.050 (1) and (5). [2022 c 92 § 2.]