

WSR 21-02-090
EXPEDITED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed January 6, 2021, 10:29 a.m.]

Title of Rule and Other Identifying Information: Expedited repeal of WAC 480-100-238.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Rule making to permanently repeal WAC 480-100-238, which was superseded by rules adopted under WSR 21-02-022 and repealed by emergency rule making under WSR 21-02-025, effective January 1, 2021.

Reasons Supporting Proposal: The commission contemplated repeal of WAC 480-100-238 during the rule-making process that culminated in WSR 21-02-022, but inadvertently did not include that repeal in the CR-102 adopting the new rules. The new rules (WAC 480-100-600 through 480-100-665) adopted under WSR 21-02-022 went into effect on January 1, 2021, and replace WAC 480-100-238. The commission repealed that rule in an emergency rule making also effective on January 1, 2021. Should the repeal expire, it would create duplicative and conflicting standards for utilities. The commission adopted the new rules to replace and expand upon WAC 480-100-238, and thus permanently repealing WAC 480-100-238 would fulfill the expected outcome of the rule-making process carried out in Dockets UE-191023 and UE-190698 to implement the Clean Energy Transformation Act (CETA) as it relates to integrated resource planning.

Statutory Authority for Adoption: RCW 80.01.040, 80.04.160; chapters 80.28, 19.280, and 19.405 RCW.

Statute Being Implemented: Chapters 19.405, 80.28, and 19.280 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington utilities and transportation commission (UTC), governmental.

Name of Agency Personnel Responsible for Drafting: Bradley Cebulko, P.O. Box 47250, Olympia, WA 98504-7250, 360-259-5315; Implementation and Enforcement: Mark L. Johnson, P.O. Box 47250, Olympia, WA 98504-7250, 360-664-1115.

This notice meets the following criteria to use the expedited repeal process for these rules:

Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The commission consistently contemplated repealing WAC 480-100-238 in conjunction with adopting new rules to implement CETA, and that rule-making process involving significant stakeholder input and ample opportunity for interested persons to comment. The commission adopted the new rules but through administrative oversight did not repeal the conflicting WAC 480-100-238 as part of that adoption. The commission thus repealed the rule by emergency rule making and now proposes to complete the repeal process.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE

RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Mark L. Johnson, Washington UTC, P.O. Box 47250, Olympia, WA 98504-7250, phone 360-664-1160, email records@utc.wa.gov, AND RECEIVED BY March 9, 2021.

January 6, 2021
Mark L. Johnson
Executive Director
and Secretary

OTS-2803.1

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 480-100-238 Integrated resource planning.