



May 10, 2024

Jeff Killip  
Executive Director and Secretary  
State of Washington Utilities and Transportation Commission  
621 Woodland Square Loop S.E.  
Lacey, Washington 98503

**RE: DOCKET UE-210183. COMMENTS OF CENTER FOR RESOURCE SOLUTIONS (CRS) IN RESPONSE TO THE UTILITIES AND TRANSPORTATION COMMISSION (UTC) APRIL 9, 2024 NOTICE OF OPPORTUNITY TO FILE WRITTEN COMMENTS (“APRIL 9 NOTICE”) ON DRAFT RULES RELATING TO COMPLIANCE WITH THE CLEAN ENERGY TRANSFORMATION ACT (CETA).**

Dear Jeff Killip:

This letter contains CRS’s comments in response to the UTC’s April 9 Notice and Draft Rules. Our comments are organized into subheadings corresponding with the different sections of the draft rules. CRS appreciates this opportunity to submit comments.

**BACKGROUND ON CRS AND GREEN-E®**

CRS is a 501(c)(3) nonprofit organization that creates policy and market solutions to advance sustainable energy and has been providing renewable energy and carbon policy analysis and technical assistance to policymakers and other stakeholders for over 20 years. CRS also administers the Green-e® Energy program, the leading independent certification for voluntary renewable electricity products in North America. In 2022, the Green-e® Energy program certified retail sales of over 114 million megawatt-hours (MWh), serving over 1.3 million retail purchasers of Green-e® certified renewable energy, including over 314,000 businesses.<sup>1</sup>

**COMMENTS IN RESPONSE TO UTC APRIL 9 NOTICE AND DRAFT RULES**

[WAC 480-100-6XX Use of NPAs other than unbundled RECs to comply with the greenhouse gas neutral standard.](#)

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<sup>1</sup> See the 2023 (2022 Data) Green-e® Verification Report here for more information: <https://www.green-e.org/verification-reports>

1. In subsection 5, UTC could consider alternative language defining “use” as acquisition of both energy and attributes “from a single facility,” rather than in a “single transaction.”

As we have commented previously,<sup>2</sup> this suggested revision would allow for acquisition of energy and attributes for primary compliance from the same facility but acquired at different times (e.g., within the same year or shorter period of time) and through different transactions.

2. In subsection (8), UTC should further describe that the double-counting prevention applies to electricity *purchased* by the utility as well as the electricity sold.

We recommend the following text:

*At a minimum, this requires that any contract in which the utility sells electricity in a wholesale market sale without its associated NPA must include terms stating the seller is not transferring any of the NPAs and the buyer may not represent in any form that that the electricity has any NPAs associated with it and that the buyer must include such provision in any sale of the electricity in any subsequent sale it makes. Additionally, any contract in which the utility purchases specified electricity in a wholesale market sale without its associated NPA must include terms stating the seller is not transferring any of the NPAs and the utility may not represent in any form that the electricity has any NPAs associated with it and that the utility must include such provision in any sale of the electricity in any subsequent sale it makes.*

WAC 480-100-6XX Use of NPAs to comply with the 100 percent renewable or nonemitting standard.

3. As with subsection WAC 480-100-6XX (5), UTC should consider alternative language requiring acquisition of both energy and attributes “from a single facility,” rather than in a “single transaction.” See comment no. 1 above.
4. Additional clarification or modification of the rule language at subsection (6) requiring acquisition of NPAs “through participation” in a clean energy market may be needed.

Please further define NPA acquisition through participation in a market. For example, does this rule require that RECs be included in market transactions/transfers? If so, please explain UTC’s rationale for requiring that markets include certificates and not allowing entities to acquire certificates associated with generation participating in a market outside of the “clean market.” It is unclear what documentation would be used in a situation in which the unbundled NPA is associated with electricity

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<sup>2</sup> See CRS’s September 14, 2020, Comments on Second Discussion Draft Rules.

sold into a wholesale electricity market where there is no contract or transaction record indicating that the source is unspecified.

5. In addition, we recommend that UTC staff coordinate with agencies in California and other states to determine whether RECs are associated with specified imports or deliveries outside of Washington using REC ID numbers.

Coordination among states is a particularly good solution for electricity transacted (and possibly assigned attributes attributed to certain states or zones) in regional markets. In general, we recommend more formalized and regular communication, coordination, and data sharing about the specified power and/or associated emissions claimed and reported among Western states with clean energy standards and GHG programs . Ideally, this information could also be shared with and made transparent in the Western Renewable Energy Generation Information System (WREGIS).

Please let me know if we can provide any further information or answer any other questions.

Sincerely,

\_\_\_\_\_/s/\_\_\_\_

Lucas Grimes  
Manager, Policy