Chapter 19.29A RCW
CONSUMERS OF ELECTRICITY

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RCW 19.29A.005 Findings—Intent. (1) The legislature finds that:

(a) Electricity is a basic and fundamental need of all residents; and

(b) Currently Washington's consumer-owned and investor-owned utilities offer consumers a high degree of reliability and service quality while providing some of the lowest rates in the country.

(2) The legislature intends to:

(a) Preserve the benefits of consumer and environmental protection, system reliability, high service quality, and low-cost rates;

(b) Ensure that all retail electrical customers have the same level of rights and protections; and

(c) Require the adequate disclosure of the rights afforded to retail electric customers. [1998 c 300 s 1.]

RCW 19.29A.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Biomass generation" has the same meaning as "biomass energy" defined in RCW 19.285.030.

(2) "Bonneville power administration system mix" means a generation mix sold by the Bonneville power administration that is net of any resource specific sales.

(3) "Commission" means the utilities and transportation commission.

(4) "Conservation" means an increase in efficiency in the use of energy use that yields a decrease in energy consumption while providing the same or higher levels of service. Conservation includes low-income weatherization programs.

(5) "Consumer-owned utility" means a municipal electric utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, or a mutual corporation or association formed under chapter 24.06 RCW, that is engaged in the business of distributing electricity to more than one retail electric customer in the state.

(6) "Declared resource" means an electricity source specifically identified by a retail supplier to serve retail electric customers. A declared resource includes a stated quantity of electricity tied directly to a specified generation facility or set of facilities either through ownership or contract purchase, or a contractual right to a stated quantity of electricity from a specified generation facility or set of facilities.

(7) "Department" means the department of commerce.

(8) "Electric meters in service" means those meters that record in at least nine of twelve calendar months in any calendar year not less than two hundred fifty kilowatt-hours per month.

(9) "Electric utility" means a consumer-owned or investor-owned utility as defined in this section.

(10) "Electricity" means electric energy measured in kilowatt-hours, or electric capacity measured in kilowatts, or both.

(11) "Electricity product" means the electrical energy produced by a generating facility or facilities that a retail supplier sells or offers to sell to retail electric customers in the state of Washington, provided that nothing in this title shall be construed to mean that electricity is a good or product for the purposes of Title 62A RCW, or any other purpose. It does not include electrical energy generated on-site at a retail electric customer's premises.

(12) "Electricity product content label" means information presented in a uniform format by a retail supplier to its retail customers and disclosing the information required in RCW 19.29A.060 about the characteristics of an electricity product.

(13) "Fuel attribute" means the characteristic of electricity determined by the fuel used in the generation of that electricity. For a renewable resource, the fuel attribute is included in its nonpower attributes.

(14) "Fuel mix" means the sources of electricity sold to retail electric customers, expressed in terms of percentage contribution by resource category. The total fuel mix included in each disclosure shall total one hundred percent.

(15) "Governing body" means the council of a city or town, the commissioners of an irrigation district, municipal electric utility, or public utility district, or the board of directors of an electric cooperative or mutual association that has the authority to set and approve rates.

(16) "Investor-owned utility" means a company owned by investors that meets the definition of RCW 80.04.010 and is engaged in distributing electricity to one or more retail electric customers in the state.

(17) "Nonpower attributes" has the same meaning as defined in RCW 19.285.030.

(18) "Private customer information" includes a retail electric customer's name, address, telephone number, and other personally identifying information.

(19) "Proprietary customer information" means: (a) Information that relates to the source, technical configuration, destination, and amount of electricity used by a retail electric customer, a retail electric customer's payment history, and household data that is made available by the customer solely by virtue of the utility-customer relationship; and (b) information contained in a retail electric customer's bill.

(20) "Renewable energy certificate" means a tradable certificate of proof of one megawatt-hour of electricity from a renewable resource. The certificate includes all of the nonpower attributes associated with that one megawatt-hour of electricity, and the certificate is verified by a renewable energy certificate tracking system specified by the department.

(21) "Renewable resource" has the same meaning as defined in RCW 19.285.030.

(22) "Resale" means the purchase and subsequent sale of electricity for profit, but does not include the purchase and the subsequent sale of electricity at the same rate at which the electricity was purchased.

(23) "Retail electric customer" means a person or entity that purchases electricity for ultimate consumption and not for resale.

(24) "Retail supplier" means an electric utility that offers an electricity product for sale to retail electric customers in the state.

(25) "Small utility" means any consumer-owned utility with twenty-five thousand or fewer electric meters in service, or that has an average of seven or fewer customers per mile of distribution line.

(26) "Source and disposition report" means the report required in RCW 19.29A.140.

(27) "State" means the state of Washington.

(28) "Unspecified source" means an electricity source for which the fuel attribute is unknown or has been separated from the energy. [2019 c 222 s 2. Prior: 2015 c 285 s 1; 2000 c 213 s 2; 1998 c 300 s 2.]

Finding—Intent—2000 c 213: See RCW 19.29A.130.

RCW 19.29A.020 Disclosures to retail electric customers. Except as otherwise provided in RCW 19.29A.040, each electric utility must provide its retail electric customers with the following disclosures in accordance with RCW 19.29A.030:

(1) An explanation of any applicable credit and deposit requirements, including the means by which credit may be established, the conditions under which a deposit may be required, the amount of any deposit, interest paid on the deposit, and the circumstances under which the deposit will be returned or forfeited.

(2) A complete, itemized listing of all rates and charges for which the customer is responsible, including charges, if any, to terminate service, the identity of the entity responsible for setting rates, and an explanation of how to receive notice of public hearings where changes in rates will be considered or approved.

(3) An explanation of the metering or measurement policies and procedures, including the process for verifying the reliability of the meters or measurements and adjusting bills upon discovery of errors in the meters or measurements.

(4) An explanation of bill payment policies and procedures, including due dates, applicable late fees, and the interest rate charged, if any, on unpaid balances.

(5) An explanation of the payment arrangement options available to customers, including budget payment plans and the availability of home heating assistance from government and private sector organizations.

(6) An explanation of the method by which customers must give notice of their intent to discontinue service, the circumstances under which service may be discontinued by the utility, the conditions that must be met by the utility prior to discontinuing service, and how to avoid disconnection.

(7) An explanation of the utility's policies governing the confidentiality of private and proprietary customer information, including the circumstances under which the information may be disclosed and ways in which customers can control access to the information.

(8) An explanation of the methods by which customers may make inquiries to and file complaints with the utility, and the utility's procedures for responding to and resolving complaints and disputes, including a customer's right to complain about an investor-owned utility to the commission and appeal a decision by a consumer-owned utility to the governing body of the consumer-owned utility.

(9) An annual report containing the following information for the previous calendar year:

(a) A general description of the electric utility's customers, including the number of residential, commercial, and industrial customers served by the electric utility, and the amount of electricity consumed by each customer class in which there are at least three customers, stated as a percentage of the total utility load;

(b) A summary of the average electricity rates for each customer class in which there are at least three customers, stated in cents per kilowatt-hour, the date of the electric utility's last general rate increase or decrease, the identity of the entity responsible for setting rates, and an explanation of how to receive notice of public hearings where changes in rates will be considered or approved;

(c) An explanation of the amount invested by the electric utility in conservation, nonhydrorenewable resources, and low-income energy assistance programs, and the source of funding for the investments; and

(d) An explanation of the amount of federal, state, and local taxes collected and paid by the electric utility, including the amounts collected by the electric utility but paid directly by retail electric customers. [2015 c 285 s 2; 1998 c 300 s 3.]

RCW 19.29A.030 Notice of disclosures to retail electric customers. Except as otherwise provided in RCW 19.29A.040, an electric utility shall:

(1) Provide notice to all of its retail electric customers that the disclosures required in RCW 19.29A.020 are available without charge upon request. Such notice shall be provided at the time service is established and either included as a prominent part of each customer's bill or in a written notice mailed to each customer at least once a year thereafter. Required disclosures shall be provided without charge, in writing using plain language that is understandable to an ordinary customer, and presented in a form that is clear and conspicuous.

(2) Disclose the following information in a prominent manner on all billing statements sent to retail electric customers, or by a separate written notice mailed to all retail electric customers at least quarterly and at the same time as a billing statement: "YOUR BILL INCLUDES CHARGES FOR ELECTRICITY, DELIVERY SERVICES, GENERAL ADMINISTRATION AND OVERHEAD, METERING, TAXES, CONSERVATION EXPENSES, AND OTHER ITEMS." [1998 c 300 s 4.]

RCW 19.29A.040 Exceptions for small utility—Voluntary compliance. The provisions of RCW 19.29A.020, 19.29A.030, section 5, chapter 300, Laws of 1998, and RCW 19.29A.090 do not apply to a small utility. However, nothing in this section prohibits the governing body of a small utility from determining the utility should comply with any or all of the provisions of RCW 19.29A.020, 19.29A.030, section 5, chapter 300, Laws of 1998, and RCW 19.29A.090, which governing bodies are encouraged to do. [2001 c 214 s 29; 1998 c 300 s 6.]

Severability—Effective date—2001 c 214: See notes following RCW 80.50.010.

Findings—2001 c 214: See note following RCW 39.35.010.

RCW 19.29A.050 Annual fuel mix information—Electricity product content label—Requirements. (1) Each retail supplier shall provide to its existing and new retail electric customers its annual fuel mix information by generation category as required in RCW 19.29A.060.

(2) Disclosures required under subsection (1) of this section shall be provided through an electricity product content label presented in a uniform format.

(3) Except as provided in subsection (4) of this section, each retail supplier shall provide the electricity product content label:

(a) To each new retail electric customers at the time service is established;

(b) To each existing retail electric customer, delivered with the customer's billing statement or as a separately mailed publication, not less than annually;

(c) On the retail supplier's publicly accessible website; and

(d) As part of any marketing material, in electronic, paper, written, or other media format, that is used primarily to promote the sale of any specific electricity product being advertised, contracted for, or offered for sale to current or prospective retail electric customers. For the purposes of this subsection, an electric product

does not include conservation programs, equipment or materials, or equipment or materials related to transportation electrification.

(4) Each small utility and mutual light and power company shall provide the electricity product content label not less than annually through a publication that is distributed to all its retail electric customers, publicly display the electricity product content label at its main business office, and provide the electricity product content label on its publicly accessible website. If a small utility or mutual company engages in marketing a specific electric product new to that utility it shall provide the electricity product content label described in subsection (3)(d) of this section. [2019 c 222 s 3; 2000 c 213 s 3.]

Finding—Intent—2000 c 213: See RCW 19.29A.130.

RCW 19.29A.060 Fuel characteristics disclosure—Electricity product categories. (1) Each retail supplier must disclose to its customers the fuel characteristics of each electricity product it offers to retail electric customers using information consistent with the retail supplier's source and disposition report.

(2) The fuel characteristics disclosures required by this section must identify for each electricity product the percentage of the total electricity product sold by a retail supplier during the previous calendar year from each of the following categories, using a uniform format:

(a) Coal;

(b) Hydroelectric;

(c) Natural gas;

(d) Nuclear;

(e) Petroleum;

(f) Solar;

(g) Wind;

(h) Other generation, except that when a component of the other generation category meets or exceeds two percent of the total electricity product sold by a retail supplier during the previous calendar year, the retail supplier shall identify the component or components and display the fuel mix percentages for these component sources. A retail supplier may voluntarily identify any component or components within the other generation category that comprises two percent or less of annual sales; and

(i) Unspecified sources.

(3) If the percentage amount of unspecified sources identified in subsection (2) of this section exceeds two percent for an electricity product, the retail supplier must include on the label a general description of unspecified sources and an explanation of why some power sources are unknown to the retail supplier.

(4) A retail supplier may not include in the electricity product content label any environmental quality or environmental impact qualifier, other than those permitted or required by this chapter, related to any of the generation categories disclosed.

(5) For the portion of an electricity product purchased from the Bonneville power administration, a retail supplier may incorporate the Bonneville power administration system mix in its disclosure.

(6) A retail supplier may include with the electricity product content label additional information concerning the quantity of

renewable energy certificates, if not otherwise included in the retail supplier's declared resources, that are retired for compliance with RCW 19.285.040(2) in the reporting year. [2019 c 222 s 4; 2000 c 213 s 4.]

Finding—Intent—2000 c 213: See RCW 19.29A.130.

RCW 19.29A.080 Department—Rule-making authority—Receipt of gifts, grants, or endowments—Documentation of ownership or contractual rights. (1) The department may adopt administrative rules under chapter 34.05 RCW to implement the provisions of this chapter.

(2) The department may receive any lawful gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the department in implementing this section, and may spend such gifts, grants, or endowments for the purposes of implementing this section.

(3) The department must regularly seek input from retail providers, consumers, environmental advocates, the Bonneville power administration, other state disclosure programs, and other stakeholders regarding potential improvements to the disclosure program established by chapter 222, Laws of 2019.

(4) Each retail supplier must make available to the department upon request the following information to support the ownership or contractual rights to declared resources:

(a) Documentation of ownership of declared resources by retail suppliers; or

(b) Documentation of contractual rights by retail suppliers to a stated quantity of electricity from a specific generating facility. [2019 c 222 s 8; 2000 c 213 s 6.]

Finding—Intent—2000 c 213: See RCW 19.29A.130.

RCW 19.29A.090 Voluntary option to purchase qualified alternative energy resources—Rates, terms, and conditions—Information maintenance. (1) Beginning January 1, 2002, each electric utility must provide to its retail electricity [electric] customers a voluntary option to purchase qualified alternative energy resources in accordance with this section.

(2) Each electric utility must include with its retail electric customer's regular billing statements, at least quarterly, a voluntary option to purchase qualified alternative energy resources. The option may allow customers to purchase qualified alternative energy resources at fixed or variable rates and for fixed or variable periods of time, including but not limited to monthly, quarterly, or annual purchase agreements. A utility may provide qualified alternative energy resource options through either: (a) Resources it owns or contracts for; or (b) the purchase of credits issued by a clearinghouse or other system by which the utility may secure, for trade or other consideration, verifiable evidence that a second party has a qualified alternative energy resource and that the second party agrees to transfer such evidence exclusively to the benefit of the utility.

(3) For the purposes of this section, a "qualified alternative energy resource" means the electricity or thermal energy produced from generation facilities that are fueled by: (a) Wind; (b) solar energy;

(c) geothermal energy; (d) landfill gas; (e) wave or tidal action; (f) gas produced during the treatment of wastewater; (g) qualified hydropower; or (h) biomass energy based on animal waste or solid or liquid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic.

(4) For the purposes of this section, "qualified hydropower" means the energy produced either: (a) As a result of modernizations or upgrades made after June 1, 1998, to hydropower facilities operating on May 8, 2001, that have been demonstrated to reduce the mortality of anadromous fish; or (b) by run of the river or run of the canal hydropower facilities that are not responsible for obstructing the passage of anadromous fish.

(5) The rates, terms, conditions, and customer notification of each utility's option or options offered in accordance with this section must be approved by the governing body of the consumer-owned utility or by the commission for investor-owned utilities. All costs and benefits associated with any option offered by an electric utility under this section must be allocated to the customers who voluntarily choose that option and may not be shifted to any customers who have not chosen such option. Utilities may pursue known, lawful aggregated purchasing of qualified alternative energy resources with other utilities to the extent aggregated purchasing can reduce the unit cost of qualified alternative energy resources, and are encouraged to investigate opportunities to aggregate the purchase of alternative energy resources by their customers. Aggregated purchases by investor-owned utilities must comply with any applicable rules or policies adopted by the commission related to least-cost planning or the acquisition of renewable resources.

(6) Each consumer-owned utility must maintain and make available upon request of the department and each investor-owned utility must maintain and make available upon request of the commission information describing the option or options it is offering its customers under the requirements of this section, the rate of customer participation, the amount of qualified alternative energy resources purchased by customers, the amount of utility investments in qualified alternative energy resources, and the results of pursuing aggregated purchasing opportunities. The department and the commission shall report the information to the appropriate committees of the legislature upon request. [2014 c 129 s 1; 2012 c 112 s 1. Prior: 2002 c 285 s 6; 2002 c 191 s 1; 2001 c 214 s 28.]

Severability—Effective date—2001 c 214: See notes following RCW 80.50.010.

Findings—2001 c 214: See note following RCW 39.35.010.

RCW 19.29A.100 Electric utilities—Customer information—Sale or disclosure—Requirements—Exemptions—Application of consumer protection act. (1) An electric utility may not sell private or proprietary customer information.

(2) An electric utility may not disclose private or proprietary customer information with or to its affiliates, subsidiaries, or any other third party for the purposes of marketing services or product

offerings to a retail electric customer who does not already subscribe to that service or product, unless the utility has first obtained the customer's written or electronic permission to do so.

(3) The utility must:

(a) Obtain a retail electric customer's prior permission for each instance of disclosure of his or her private or proprietary customer information to an affiliate, subsidiary, or other third party for purposes of marketing services or products that the customer does not already subscribe to; and

(b) Maintain a record for each instance of permission for disclosing a retail electric customer's private or proprietary customer information.

(4) An electric utility must retain the following information for each instance of a retail electric customer's consent for disclosure of his or her private or proprietary customer information if provided electronically:

(a) The confirmation of consent for the disclosure of private customer information;

(b) A list of the date of the consent and the affiliates, subsidiaries, or third parties to which the customer has authorized disclosure of his or her private or proprietary customer information; and

(c) A confirmation that the name, service address, and account number exactly matches the utility record for such account.

(5)(a) This section does not require customer permission for or prevent disclosure of private or proprietary customer information by an electric utility to a third party with which the utility has a contract where such contract is directly related to conduct of the utility's business, provided that the contract prohibits the third party from further disclosing or selling any private or proprietary customer information obtained from the utility to a party that is not the utility and not a party to the contract with the utility.

(b) The legislature finds that the disclosure or sale of private or proprietary customer information by a third party, when prohibited by a contract under this subsection (5), is a matter vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW, to the third party. Disclosure or sale of private or proprietary customer information by a third party, when prohibited by a contract under this subsection (5), is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

(6) This section does not prevent disclosure of the essential terms and conditions of special contracts.

(7) This section does not prevent the electric utility from inserting any marketing information into the retail electric customer's billing package.

(8) An electric utility may collect and release retail electric customer information in aggregate form if the aggregated information does not allow any specific customer to be identified.

(9) The statewide minimum privacy policy established in subsections (1) through (8) of this section must, in the case of an investor-owned utility, be enforced by the commission by rule or order.

(10) The statewide minimum privacy policy established in subsections (1) through (8) of this section must, in the case of a

consumer-owned utility, be implemented by the utility through a policy adopted by the governing board within one year of October 9, 2015, that includes provisions ensuring compliance with subsections (1) through (8) of this section. The policy must include procedures, consistent with applicable law, for investigation and resolution of complaints by a retail electric customer whose private or proprietary information may have been sold by the consumer-owned utility or disclosed by the utility for the purposes of marketing services or product offerings in violation of this section. [2015 3rd sp.s. c 21 s 1; 2015 c 285 s 3.]

RCW 19.29A.110 Persons—Customer information—Capture, obtain, or disclosure for commercial purpose—Requirements—Application of consumer protection act. (1) A person may not capture or obtain private or proprietary customer information for a commercial purpose unless the person:

(a) Informs the retail electric customer before capturing or obtaining private or proprietary customer information; and

(b) Receives the retail electric customer's written or electronic permission to capture or obtain private or proprietary customer information.

(2) A person who legally possesses private or proprietary customer information that is captured or obtained for a commercial purpose may not sell, lease, or otherwise disclose the private or proprietary customer information to another person unless:

(a) The retail electric customer consents to the disclosure;

(b) The private or proprietary customer information is disclosed to an electric utility or other third party as necessary to effect, administer, enforce, or complete a financial transaction that the retail electric customer requested, initiated, or authorized, provided that the electric utility or third party maintains confidentiality of the private or proprietary customer information and does not further disclose the information except as permitted under this subsection (2); or

(c) The disclosure is required or expressly permitted by a federal statute or by a state statute.

(3) For the purposes of this section, "person" means any individual, partnership, corporation, limited liability company, or other organization or commercial entity, except that "person" does not include an electric utility.

(4) Except as provided in RCW 19.29A.120, the legislature finds that the practices covered by this section are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this section is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW. [2015 c 285 s 4.]

RCW 19.29A.120 Exemptions—Energy benchmark programs. This chapter does not apply to energy benchmarking programs authorized by: (1) Federal law; (2) state law; or (3) local laws that are consistent with the personally identifying information requirements of RCW 19.27A.170. [2015 c 285 s 5.]

RCW 19.29A.130 Finding—Intent. (1) Consumer disclosure ensures that retail electric consumers purchasing electric energy receive basic information about the characteristics associated with their electric product in a form that facilitates consumer understanding of retail electric energy service and the development of new products responsive to consumer preferences.

(2) The legislature finds and declares that there is a need for reliable, accurate, and timely information regarding fuel source that is consistently collected, for all electricity products offered for retail sale in Washington.

(3) The desirability and feasibility of such disclosure has been clearly established in nutrition labeling, uniform food pricing, truth-in-lending, and other consumer information programs.

(4) The legislature intends to establish a consumer disclosure standard under which retail suppliers in Washington disclose information on the fuel mix of the electricity products they sell. Fundamental to disclosure is a label that promotes consistency in content and format, that is accurate, reliable, and simple to understand, and that allows verification of the accuracy of information reported.

(5) To ensure that consumer information is verifiable and accurate, certain characteristics of electricity generation must be tracked and compared with information provided to consumers.

(6) The legislature recognizes that the generation, transmission, and delivery of electricity occurs through a complex network of interconnected facilities and contractual arrangements. As a result, the legislature intends that the fuel characteristics disclosed under this chapter represent reasonable approximations that are suitable only for informational or disclosure purposes.

(7) The disclosures required by this chapter reflect the characteristics of electricity products offered by retail suppliers to customers. Nothing in this chapter prohibits a retail supplier from communicating to its customers, owners, taxpayers, or the general public information regarding its investment in or ownership of renewable or nonrenewable generating facilities, its production of electricity, or its wholesale market activities, as long as the information is provided separately from the electricity product content label. [2019 c 222 s 1; 2000 c 213 s 1.]

RCW 19.29A.140 Sources and uses of electricity—Report to department. (1) Each retail supplier must report to the department each year, based on actual and verified activity in the prior year, the following information on its sources and uses of electricity in Washington:

(a) Electricity delivered to retail electric customers;

(b) Purchases or receipts of electricity from declared resources used to serve retail electric customers, by generating facility and fuel type; and

(c) Purchases or receipts of electricity from unspecified sources used to serve retail electric customers.

(2) The following requirements and limitations apply to the reporting of declared resources:

(a) A retail supplier must report an electricity purchase or receipt as a declared resource if the retail supplier was the direct or indirect owner of the generating facility or acquired the

electricity in a transaction, supported by an auditable contract trail, in which the buyer and seller specified the source or set of sources of the electricity.

(b) A retail supplier may assign declared resources and unspecified resources to its retail service for purposes of this section using reasonable methods consistent with its business practices. A retail supplier must identify any change in method from the prior year in its report to the department.

(c) A retail supplier may not report a declared resource as a renewable resource if there exists a renewable energy certificate or other instrument representing the nonpower attributes of the electricity and the retail supplier does not own the renewable energy certificate or instrument.

(d) For an electricity product that is an optional product complying with RCW 19.29A.090, a retail supplier may report as a declared resource any combination of renewable energy certificates and electricity that meets the requirements of RCW 19.29A.090.

(3) Each retail supplier must report as an unspecified source any electricity source that was acquired in a transaction where the fuel attribute was not specified by the seller or provider or was not included in the transaction.

(4) A retail supplier that offers more than one electricity product must report the required source information separately for each product. Individual retail customer rate schedules do not constitute separate electricity products unless electricity sources are different.

(5) Each retail supplier must report the information required by this section as annual totals in megawatt-hours.

(6) The department must determine fuel mix percentages for each retail supplier based on the information provided in source and disposition reports. Each retail supplier's fuel mix percentages must reflect, to the extent possible, the declared resources reported by that retail supplier. [2019 c 222 s 5.]

RCW 19.29A.150 Renewable energy certificates. (1) Any renewable energy certificate included in the source and disposition report must be created and retired within the certificate tracking system approved by the department and must represent renewable generation of a generating facility located in the region of the tracking system.

(2) A renewable energy certificate retired for any of the following purposes may not be included in the source and disposition report:

(a) Voluntary renewable energy programs, except where the electricity product is an optional product complying with RCW 19.29A.090;

(b) Compliance obligations not related to the provision of electricity service to retail customers in Washington; and

(c) Any other purpose established by rule by the department.

(3) A retail supplier must retire any renewable energy certificates included in its source and disposition report within one year after submitting its report. [2019 c 222 s 6.]

RCW 19.29A.160 Department—Fuel characteristics estimate. The department must develop and publish an estimate of the fuel

characteristics of the generation sources reasonably available to serve Washington customers and not included as a declared resource of any retail supplier. The department may include or exclude any electricity source as it deems reasonable to accurately represent the characteristics of residual electricity supplies used by retail suppliers in Washington. The department must make available documentation of the inputs and calculations used in making the estimate. [2019 c 222 s 7.]

RCW 19.29A.170 Wildfire mitigation plan—Review/revision. (1) By October 31, 2024, and every three years thereafter, each consumer-owned utility must review, if appropriate revise, and adopt its wildfire mitigation plan. When reviewing or revising a wildfire mitigation plan, a consumer-owned utility must use the recommended format and elements pursuant to RCW 76.04.185.

(a) The governing board of each consumer-owned utility shall review the plan. Local fire protection districts must be provided the opportunity to provide input. After the governing board's review, the utility must provide a copy to the department of natural resources, along with a list and description of wildland fires involving utility equipment within its customer service area over the previous two years as reported by the department of natural resources. The plan must be submitted to the utility wildland fire prevention advisory committee created in RCW 76.04.780 to be posted on their website as specified in RCW 76.04.780.

(b) The department of natural resources is not responsible for a consumer-owned utility's implementation of its wildfire mitigation plan. The department's review of the consumer-owned utility's wildfire mitigation plan and any recommendations associated with the review do not constitute a reasonableness review or approval of recovery of any measure, investment, cost, or other component of the plan.

(c) Consumer-owned utilities are encouraged to submit any 2023 wildfire mitigation plans to the utility wildland fire prevention advisory committee created in RCW 76.04.780 prior to the revision date required in this subsection.

(2) Two or more abutting consumer-owned utilities may codevelop a wildfire mitigation plan. Wildfire mitigation plans that are codeveloped by more than one utility may identify areas of common implementation, including communication protocols, that will assist in implementing the identified recommended elements pursuant to RCW 76.04.185.

(3) Nothing in this section prohibits a consumer-owned utility from reviewing or updating its wildfire mitigation plan more often than required in subsection (1) of this section. [2023 c 132 s 4.]

Findings—Intent—2023 c 132: See note following RCW 76.04.185.

RCW 19.29A.900 Construction—1998 c 300. Nothing in chapter 300, Laws of 1998 shall be construed as conferring on any state agency jurisdiction, supervision, or control over any consumer-owned utility. [1998 c 300 s 7.]