Chapter 480-107 WAC
ELECTRIC COMPANIES—PURCHASES OF RESOURCES

Last Update: 9/26/25

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

480-107-005 Definitions. [Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 03-22-046 (Docket No. A-030832, General Order No. R-509), § 480-107-005, filed 10/29/03, effective 11/29/03. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-005, filed 7/18/89.] Repealed by WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-010 Filing requirements for prototype contracts. [Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-010, filed 7/18/89.] Repealed by WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-020 Eligibility for long-run generating facility purchase rates. [Statutory Authority: RCW 80.01.040. WSR 94-07-045 (Order R-409, Docket No. UE-931302), § 480-107-020, filed 3/10/94, effective 4/10/94. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-020, filed 7/18/89.] Repealed by WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-030 Eligibility for long-run conservation purchase rates. [Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-030, filed 7/18/89.] Repealed by WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-135 Conditions for purchase of electrical power or savings from a utility, a utility's subsidiary or affiliate. [Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-135, filed 3/28/06, effective 4/28/06.] Repealed by WSR 21-02-023 (Docket UE-190837, General Order R-602), filed 12/28/20, effective 12/31/20. Statutory Authority: RCW 80.01.040, 80.04.160, and chapters 80.28, 19.280, and 19.405 RCW.

480-107-040 Size of resource block. [Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-040, filed 7/18/89.] Repealed by WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-050 Avoided cost schedules. [Statutory Authority: RCW 80.01.040. WSR 94-07-045 (Order R-409, Docket No. UE-931302), § 480-107-050, filed 3/10/94, effective 4/10/94. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-050, filed 7/18/89.] Repealed by WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-055 Schedules of estimated avoided cost. [Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-055, filed 3/28/06, effective 4/28/06.] Repealed by WSR 19-13-031 (Docket U-161024, General Order R-597), filed 6/12/19, effective 7/13/19. Statutory Authority: RCW 80.01.040, 80.04.160, and 34.05.220.

480-107-060 The solicitation process. [Statutory Authority: RCW 80.01.040. WSR 94-07-045 (Order R-409, Docket No. UE-931302), § 480-107-060, filed 3/10/94, effective 4/10/94. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-060, filed 7/18/89.] Repealed by WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-070 Project ranking procedure. [Statutory Authority: RCW 80.01.040. WSR 94-07-045 (Order R-409, Docket No. UE-931302), § 480-107-070, filed 3/10/94, effective 4/10/94. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-070, filed 7/18/89.] Repealed by WSR 06-08-025 (Docket No. UE-030423, Gen-

eral Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-080 Pricing and contracting procedures. [Statutory Authority: RCW 80.01.040. WSR 94-07-045 (Order R-409, Docket No. UE-931302), § 480-107-080, filed 3/10/94, effective 4/10/94. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-080, filed 7/18/89.] Repealed by WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-085 Obligations of generating facilities to the utility. [Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-085, filed 3/28/06, effective 4/28/06.] Repealed by WSR 19-13-031 (Docket U-161024, General Order R-597), filed 6/12/19, effective 7/13/19. Statutory Authority: RCW 80.01.040, 80.04.160, and 34.05.220.

480-107-090 Security considerations. [Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-090, filed 7/18/89.] Repealed by WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-095 Obligations of the utility to qualifying facilities. [Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-095, filed 3/28/06, effective 4/28/06.] Repealed by WSR 19-13-031 (Docket U-161024, General Order R-597), filed 6/12/19, effective 7/13/19. Statutory Authority: RCW 80.01.040, 80.04.160, and 34.05.220.

480-107-100 Contract finalization. [Statutory Authority: RCW 80.01.040. WSR 94-07-045 (Order R-409, Docket No. UE-931302), § 480-107-100, filed 3/10/94, effective 4/10/94. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-100, filed 7/18/89.] Repealed by WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-105 Rates for sales to qualifying facilities. [Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-105, filed 3/28/06, effective 4/28/06.] Repealed by WSR 19-13-031 (Docket U-161024, General Order R-597), filed 6/12/19, effective 7/13/19. Statutory Authority: RCW 80.01.040, 80.04.160, and 34.05.220.

480-107-110 Obligations of generating facilities to electric utility. [Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-110, filed 7/18/89.] Repealed by WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-120 Obligations of electric utility to qualifying facilities. [Statutory Authority: RCW 80.01.040. WSR 94-07-045 (Order R-409, Docket No. UE-931302), § 480-107-120, filed 3/10/94, effective 4/10/94. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-120, filed 7/18/89.] Repealed by WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-130 Rates for sales to qualifying facilities. [Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-130, filed 7/18/89.] Repealed by WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-135 Conditions for purchase of electrical power or savings from a utility, a utility's subsidiary or affiliate. [Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-135, filed 3/28/06, effective 4/28/06.] Repealed by WSR 21-02-023 (Docket UE-190837, General Order R-602), filed 12/28/20, effective 12/31/20. Statutory Authority: RCW 80.01.040, 80.04.160, and chapters 80.28, 19.280, and 19.405 RCW.

480-107-140 System emergencies. [Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-140, filed 7/18/89.] Repealed by WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-150 Interconnection costs. [Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-150, filed 7/18/89.] Repealed by WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-160 Special conditions for purchase of electrical power or savings from a utility subsidiary. [Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-160, filed 7/18/89.] Repealed by WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-170 Filings—Investigations—Exceptions. [Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-170, filed 7/18/89.] Repealed by WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040 and 80.04.160.

480-107-999 Adoption by reference. [Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 17-15-054 (Docket A-170015, General Order R-589), § 480-107-999, filed 7/13/17, effective 8/13/17; WSR 16-05-035 (Docket A-151884, General Order R-585), § 480-107-999, filed 2/9/16, effective 3/11/16; WSR 15-06-048 (Docket A-143302, General Order R-579), § 480-107-999, filed 3/2/15, effective 4/2/15. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-999, filed 3/28/06, effective 4/28/06.] Repealed by WSR 19-13-031 (Docket U-161024, General Order R-597), filed 6/12/19, effective 7/13/19. Statutory Authority: RCW 80.01.040, 80.04.160, and 34.05.220.

WAC 480-107-001 Purpose and scope. (1) The rules in this chapter establish the requirements for various utility solicitations and procurements, including provisions governing competitive solicitations, all-source RFPs, targeted RFPs, independent evaluators and system emergencies. The rules in this chapter do not establish the sole procedures a utility may use to acquire new resources. A utility may construct new resources, operate conservation and efficiency resource programs, purchase power through negotiated contracts, or take other action to satisfy the utility's public service obligations.

(2) The commission will consider the information the utility obtained through its acquisition efforts when the commission evaluates the performance of the utility in rate and other proceedings.

[Statutory Authority: RCW 80.01.040, 80.04.160, and chapters 80.28, 19.280, and 19.405 RCW. WSR 21-02-023 (Docket UE-190837, General Order R-602), § 480-107-001, filed 12/28/20, effective 12/31/20. Statutory Authority: RCW 80.01.040, 80.04.160, and 34.05.220. WSR 19-13-031 (Docket U-161024, General Order R-597), § 480-107-001, filed 6/12/19, effective 7/13/19. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-001, filed 3/28/06, effective 4/28/06. Statutory Authority: RCW 80.01.040, 80.04.160, 81.04.160, and 34.05.353. WSR 03-22-046 (Docket No. A-030832, General Order No. R-509), § 480-107-001, filed 10/29/03, effective 11/29/03. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 89-15-043 (Order R-304, Docket No. U-89-2814-R), § 480-107-001, filed 7/18/89.]

WAC 480-107-002 Exemptions from rules. Consistent with WAC 480-07-110, the commission may grant an exemption from the provisions of any rule in this chapter.

[Statutory Authority: RCW 80.01.040, 80.04.160, and chapters 80.28, 19.280, and 19.405 RCW. WSR 21-02-023 (Docket UE-190837, General Order R-602), § 480-107-002, filed 12/28/20, effective 12/31/20. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-002, filed 3/28/06, effective 4/28/06.]

WAC 480-107-004 Additional requirements. (1) These rules do not relieve any utility from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains its authority to impose additional or different requirements on any utility in appropriate circumstances, consistent with the requirements of law.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-004, filed 3/28/06, effective 4/28/06.]

WAC 480-107-006 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-006, filed 3/28/06, effective 4/28/06.]

WAC 480-107-007 Definitions. **"Affiliate"** means a person or corporation that meets the definition of an "affiliated interest" in RCW 80.16.010.

"All-source RFP" means an RFP that solicits and accepts bids from any resource capable of meeting all or part of the resource need outlined in the utility's solicitation documents.

"Bid" means bidder's document containing a description of a project and other information responsive to the requirements set forth in an RFP. If a bid contains multiple projects, each individual project will be considered as a separate bid.

"Bidder" means an individual, association, corporation, or other legal entity that can enter into a power or conservation contract with the utility to fill a resource need or portion thereof.

"Commission" means the Washington utilities and transportation commission.

"Conservation and efficiency resources" has the same meaning as defined in WAC 480-100-605.

"Customer benefit indicator" has the same meaning as defined in WAC 480-100-605.

"Demand response" has the same meaning as defined in WAC 480-100-605.

"Equitable distribution" has the same meaning as defined in WAC 480-100-605.

"Highly impacted community" has the same meaning as defined in WAC 480-100-605.

"Independent evaluator" means a third party, not affiliated with the utility, that provides, at a minimum, evaluations as required in these rules.

"Independent power producers" means an entity other than a utility or its subsidiary or affiliate that develops or owns generating facilities or portions thereof that are not qualifying facilities as defined in WAC 480-106-007.

"Integrated resource plan" or **"IRP"** means the filing made by a utility in accordance with WAC 480-100-625.

"Lowest reasonable cost" has the same meaning as defined in WAC 480-100-605.

"Qualifying facilities" has the same meaning as defined in WAC 480-106-007.

"Renewable resource" has the same meaning as defined in WAC 480-100-605.

"Repowering" means a rebuild or refurbishment, including fuel source changes, of a utility-owned generator or generation facility that is required due to the generator or facility reaching the end of its useful life or useful reasonable economic life. The rebuild or refurbishment does not constitute repowering if it is part of routine major maintenance, existing hydroelectric licensing obligations, or the maintenance of or replacement of equipment that does not materially affect the expected physical or economical life of the generator or generation facility.

"Request for proposals" or **"RFP"** means the documents describing a utility's solicitation of bids for delivering a resource need.

"Resource" has the same meaning as defined in WAC 480-100-605.

"Resource need" has the same meaning as defined in WAC 480-100-605.

"Resource supplier" means a third-party supplier, utility or affiliate that provides electric power, equipment or services that serve a resource need.

"Subsidiary" means any company in which the utility owns directly or indirectly five percent or more of the voting securities, and that may enter a power or conservation contract with that electric utility. A company is not a subsidiary if the utility can demonstrate that it does not control that company.

"Targeted RFP" means an RFP that solicits and accepts bids for certain types or locations of resources (including, for example, demand response, conservation and efficiency resources) capable of meeting all or part of the utility's specific resource need.

"Utility" means an electrical company as defined by RCW 80.04.010.

"Vulnerable populations" has the same meaning as defined in WAC 480-100-605.

[Statutory Authority: RCW 80.01.040, 80.04.160, and chapters 80.28, 19.280, and 19.405 RCW. WSR 21-02-023 (Docket UE-190837, General Order R-602), § 480-107-007, filed 12/28/20, effective 12/31/20. Statutory Authority: RCW 80.01.040, 80.04.160, and 34.05.220. WSR 19-13-031 (Docket U-161024, General Order R-597), § 480-107-007, filed 6/12/19, effective 7/13/19. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-007, filed 3/28/06, effective 4/28/06.]

WAC 480-107-009 Required all-source RFPs and conditions for targeted RFPs. (1) All-source RFP requirements. All-source RFPs must allow bids from different types of resources that may fill all or part of the characteristics or attributes of the resource need. Such resource types include, but are not limited to, unbundled renewable energy credits, conservation and efficiency resources, demand response or other distributed energy resources, energy storage, electricity from qualifying facilities, electricity from independent power producers, or other resources identified to contribute to an equitable distribution of energy and nonenergy benefits to vulnerable populations and highly impacted communities.

(2) Required RFP. A utility must issue an all-source RFP if the IRP or Integrated System Plan demonstrates that the utility has a resource need within four years. A utility may supplement its all-source RFP with one or more targeted RFPs issued at the same time. The required RFP and any supplemental RFPs are subject to commission approval.

(3) Voluntary RFP. Whenever a utility chooses to issue an RFP to meet resource needs outside of the timing of its required RFP, it may issue an all-source RFP or a targeted RFP. Voluntary RFPs are not subject to commission approval.

(4) Targeted RFP requirements. If the utility issues a targeted RFP in conjunction with an all-source RFP, it must fairly compare all resource options in its combined analysis.

[Statutory Authority: RCW 19.280.030, 19.280.040, 19.285.040, 19.285.080, 19.405.060, 19.405.100, 80.28.130, 80.01.040, 80.04.160,

80.28.365, 80.28.380, 80.28.425, chapter 80.86 RCW, and 2024 c 351. WSR 25-20-059 (Docket U-240281, General Order R-609), s 480-107-009, filed 9/26/25, effective 9/26/25. Statutory Authority: RCW 80.01.040, 80.04.160, and chapters 80.28, 19.280, and 19.405 RCW. WSR 21-02-023 (Docket UE-190837, General Order R-602), § 480-107-009, filed 12/28/20, effective 12/31/20.]

WAC 480-107-011 Applicability of rule sections. (1) The required RFP issued pursuant to WAC 480-107-009(2) must comply with all sections of this chapter except WAC 480-107-021 requiring an informational filing.

(2) A targeted RFP filed with a required RFP under WAC 480-107-009(2) must comply with all sections of this chapter except WAC 480-107-021 requiring an informational filing.

(3) A voluntary RFP issued pursuant to WAC 480-107-009(3) must comply with all sections of this chapter except WAC 480-107-017 requiring commission approval.

(4) For all other actions by the utility to acquire resources not included in WAC 480-107-009, the utility must comply with WAC 480-107-115.

[Statutory Authority: RCW 80.01.040, 80.04.160, and chapters 80.28, 19.280, and 19.405 RCW. WSR 21-02-023 (Docket UE-190837, General Order R-602), § 480-107-011, filed 12/28/20, effective 12/31/20.]

WAC 480-107-015 Solicitation process for any RFP. (1) The provisions of this section apply to any RFP issued to fill a resource need. The commission strongly encourages a utility to consult with commission staff and other interested stakeholders during the development of an RFP and the associated evaluation rubric.

(2) A utility must conduct outreach to potential bidders or resource suppliers, including nonprofit organizations and under-represented bidders such as minority-, women-, disabled-, and veteran-owned businesses, to encourage equitable participation in the bidding process. A utility must provide to all potential bidders equitable access to information relevant to responding to the utility's RFP including, but not limited to, accommodation required by the Americans with Disabilities Act's communications guidance.

(3) A utility must post a copy of the RFP on the utility's public website and make best efforts to ensure the RFP is known to industry participants and potential bidders, such as by placing notices in relevant industry publications, including publications aimed at women-, minority-, disabled-, and veteran-owned businesses.

(4) The utility must publish on its public website information about how interested persons can participate in or follow the utility's RFP process, including RFP approval, if required, and how to contact the commission's records center to be placed on relevant distribution lists for utility RFPs.

(5) Prior to the expiration of the solicitation period specified in the RFP, the utility may allow the bid contents to be available to its employees and the independent evaluator, within the limitations established in WAC 480-107-024(3). Such availability must be solely for the purpose of tracking the receipt of bids and to prepare for, but not to begin, the evaluation phase of the RFP process.

(6) A utility or its subsidiary or affiliate may participate in the utility's own RFP process as a bidder consistent with the requirements in WAC 480-107-023 and 480-107-024.

(7) If demand response may meet some or all of the identified resource need, the utility must make a good faith effort to provide sufficiently detailed information that allows a bidder the opportunity to develop a demand response bid that includes, but is not limited to, stacked values of benefits and costs.

[Statutory Authority: RCW 80.01.040, 80.04.160, and chapters 80.28, 19.280, and 19.405 RCW. WSR 21-02-023 (Docket UE-190837, General Order R-602), § 480-107-015, filed 12/28/20, effective 12/31/20. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-015, filed 3/28/06, effective 4/28/06.]

WAC 480-107-017 RFP filing and approval. (1) For required and targeted RFPs under WAC 480-107-009(2), a utility must file the RFPs and accompanying documentation with the commission no later than one hundred twenty days after the utility files its final IRP.

(2) The utility must provide information on its public website detailing the commission approval process required in subsection (1) of this section, including a link to the RFP filed with the commission, and a description of the subsequent public comment period and, if applicable, the independent evaluator selection and commission approval process.

(3) Within forty-five days after the utility files an RFP, interested persons may submit written comments to the commission on the RFP.

(4) The commission will approve, approve with conditions, or suspend the filed RFP, including the procedures and criteria the utility will use to evaluate and rank bids in accordance with WAC 480-107-035, within seventy-five days after the utility files its RFP.

(5) A utility must solicit bids for a resource need within thirty days of a commission order approving an RFP unless the commission establishes a different deadline.

[Statutory Authority: RCW 80.01.040, 80.04.160, and chapters 80.28, 19.280, and 19.405 RCW. WSR 21-02-023 (Docket UE-190837, General Order R-602), § 480-107-017, filed 12/28/20, effective 12/31/20.]

WAC 480-107-021 Informational filing requirement. (1) A utility must file any voluntary RFP allowed under WAC 480-107-009(3) and accompanying documentation thirty days prior to accepting bids.

(2) If the utility must retain an independent evaluator under WAC 480-107-023, the utility must publish, on its public website, information explaining its independent evaluator selection process and commission approval process, including how interested persons can participate in the approval process.

[Statutory Authority: RCW 80.01.040, 80.04.160, and chapters 80.28, 19.280, and 19.405 RCW. WSR 21-02-023 (Docket UE-190837, General Order R-602), § 480-107-021, filed 12/28/20, effective 12/31/20.]

WAC 480-107-023 Independent evaluator for repowering and bids from a utility or its subsidiary or affiliate. (1) A utility must engage the services of an independent evaluator to assess and report on the solicitation process if:

(a) The utility or its subsidiary or affiliate participates in the utility's RFP bidding process;

(b) The utility intends to retain the option to procure resources that will result in the utility owning or having a purchase option in the resource over its expected useful life; or

(c) The utility is considering repowering its existing resources to meet its resource need.

(2) After consulting with commission staff and stakeholders, the utility may issue a solicitation for an independent evaluator and must recommend an independent evaluator for approval by the commission.

(3) The independent evaluator will contract with, and be paid by, the utility. The utility will also manage the contract terms with the independent evaluator.

(4) The utility must provide the independent evaluator with all data and information necessary to perform a thorough examination of the bidding process and responsive bids.

(5) The independent evaluator will, at a minimum:

(a) Ensure that the RFP process is conducted fairly, transparently, and properly;

(b) Participate in the design of the RFP;

(c) Evaluate the unique risks, burdens, and benefits of each bid;

(d) Provide to the utility the independent evaluator's minutes of meetings and the full text of written communications between the independent evaluator and the utility and any third-party related to the independent evaluator's execution of its duties;

(e) Verify that the utility's inputs and assumptions, including capacity factors and capital costs, are reasonable;

(f) Assess whether the utility's process of scoring the bids and selection of the initial and final shortlists is reasonable;

(g) Prepare a final report to the commission after reconciling rankings with the utility in accordance with WAC 480-107-035(3) that must:

(i) Include an evaluation of the competitive bidding process in selecting the lowest reasonable cost acquisition or action to satisfy the identified resource need, including the adequacy of communication with stakeholders and bidders; and

(ii) Explain ranking differences and why the independent evaluator and the utility were or were not able to reconcile the differences.

(6) The commission may request that additional analysis be included in the final report.

(7) Interested persons may file comments on the final report filed with the commission, including concerns about routine processes, such as administrative corrections or recommending removal of bids that do not comply with the minimum criteria identified in the RFP, but no stakeholder, including the utility or commission staff, shall have any editorial review or control over the independent evaluator's final report.

[Statutory Authority: RCW 80.01.040, 80.04.160, and chapters 80.28, 19.280, and 19.405 RCW. WSR 21-02-023 (Docket UE-190837, General Order R-602), § 480-107-023, filed 12/28/20, effective 12/31/20.]

WAC 480-107-024 Conditions for purchase of resources from a utility, utility subsidiary, or affiliate. (1) A utility or its subsidiary or affiliate may participate in the utility's RFP bidding process, and the utility may accept bids that will result in the utility owning or having a purchase option in the resource over its expected useful life. The utility may also consider repowering its existing resources to meet its resource need. If any one of these circumstances is expected to occur:

(a) The RFP solicitation and bidding process will be subject to the requirement for a utility to retain an independent evaluator to ensure that no unfair advantage occurs; and

(b) The utility must include statements regarding whether such circumstances exist:

(i) In its RFP;

(ii) In the transmittal letter accompanying the RFP filing; and

(iii) In the notice required by WAC 480-107-015(3).

(2) If the utility is considering repowering a resource to meet a resource need, the utility must submit its repowering project as a bid during the RFP process.

(3) A utility and its independent evaluator may not disclose the contents or results of an RFP or competing bids to personnel involved in developing the utility's bid, or to any subsidiary or affiliate prior to making such information public. The utility must include in the RFP the methods the utility used, and will use, to ensure that it or its independent evaluator did not, and will not, improperly disclose that information.

[Statutory Authority: RCW 80.01.040, 80.04.160, and chapters 80.28, 19.280, and 19.405 RCW. WSR 21-02-023 (Docket UE-190837, General Order R-602), § 480-107-024, filed 12/28/20, effective 12/31/20.]

WAC 480-107-025 Contents of RFP solicitations. (1) An RFP must define the resource need, including specific attributes or characteristics the utility is soliciting, such as the amount and duration of power, time and locational attributes, operational attributes, the type of technology or fuel source necessary to meet a compliance requirement, and any additional information necessary for potential bidders to make a complete bid, including a copy or link to the complete assessment of avoided costs identified in WAC 480-100-615(12).

(2) The RFP must request information identifying energy and nonenergy benefits or burdens to highly impacted communities and vulnerable populations, short-term and long-term public health impacts, environmental impacts, resiliency and energy security impacts, or other information that may be relevant to identifying the costs and benefits of each bid, such as a bidder's past performance utilizing diverse businesses and a bidder's intent to comply with the labor standards in RCW 82.08.962 and 82.12.962. After the commission has approved the utility's first clean energy implementation plan (CEIP), requested information must contain, at a minimum, information related to indicators approved in the utility's most recent CEIP, including customer benefit indicators, as well as descriptions of all indicators.

(3) The RFP must document that the size and operational attributes of the resource need requested are consistent with the range of estimated new resource needs identified in the utility's IRP.

(4) The RFP must explain the specific ranking procedures and assumptions that the utility will use in accordance with WAC

480-107-035. The RFP must include a sample evaluation rubric that quantifies, where possible, the weight the utility will give each criterion during the bid ranking procedure, and provides a detailed explanation of the aspects of each criterion that would result in the bid receiving higher priority.

(5) The RFP must specify a detailed timeline for each stage of the RFP process including solicitation, ranking, and selection, as well as the utility's schedule of planned informational activities and contact information for the RFP.

(6) The RFP must generally identify any utility-owned assets, including merchant-side assets that the utility has available, for the purpose of receiving bids that assist the utility in meeting its resource need at the lowest reasonable cost. The utility must make reasonable efforts to provide bidders with necessary technical details they request and to allow bidders to design their bids for use in conjunction with utility-owned assets.

(7) The RFP must identify any minimum bidder requirements, including for financial security requirements and the rationale for such requirements, such as proof of a bidder's industry experience and capabilities.

(8) The RFP must include standard form contracts to be used in acquisition of resources.

(9) All RFPs must discuss the impact of any applicable multistate regulation on RFP development including the requirements imposed by other states for the RFP process.

(10) All RFPs must clearly state the scope of the solicitation and the types of bids that the utility will accept consistent with WAC 480-107-024.

[Statutory Authority: RCW 80.01.040, 80.04.160, and chapters 80.28, 19.280, and 19.405 RCW. WSR 21-02-023 (Docket UE-190837, General Order R-602), § 480-107-025, filed 12/28/20, effective 12/31/20. Statutory Authority: RCW 80.01.040, 80.04.160, and 34.05.220. WSR 19-13-031 (Docket U-161024, General Order R-597), § 480-107-025, filed 6/12/19, effective 7/13/19. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-025, filed 3/28/06, effective 4/28/06.]

WAC 480-107-035 Bid ranking procedure. (1) At a minimum, a utility's RFP ranking criteria must recognize resource cost, market-volatility risks, demand-side resource uncertainties and benefits, resource dispatchability, resource effect on system operation, credit and financial risks to the utility, the risks imposed on ratepayers, public policies regarding resource preference, and Washington state or federal government requirements. The ranking criteria must recognize differences in relative amounts of risk and benefit inherent among different technologies, fuel sources, financing arrangements, and contract provisions, including risks and benefits to vulnerable populations and highly impacted communities. The ranking criteria must also be consistent with the avoided cost methodology developed in the IRP the utility uses to support its determination of its resource need. The utility must consider the value of any additional net benefits that are not directly related to the specific need requested.

(2) In choosing to remove a bid during any stage of its evaluation process, the utility may not base its decision solely on the project's ability to only meet a portion of the resource need.

(3) The utility may not discriminate based on a bidder's ownership structure in the ranking process.

(4) The utility and any independent evaluator selected by the utility will each score and rank the qualifying bids using the RFP's ranking criteria and methodology. If bids include unexpected content, the utility may modify the ranking criteria but must notify all bidders of the change, describe the change, and provide an opportunity for bidders to modify their bids.

(5) Within thirty days after the close of the bidding period, the utility must post on its public website a summary of each bid the utility has received. Where use of confidential data prohibits the utility from identifying specifics of a bid, a generic but complete description is sufficient.

(6) The utility may reject any bids that do not comply with the minimum requirements of the RFP or identify the costs of complying with environmental, public health, or other laws, rules, and regulations in effect at the time of the bid.

(7) Within thirty days after executing an agreement for acquisition of a resource, the utility must file the executed agreement and supporting documents with the commission.

(8) The commission may review any acquisitions resulting from the RFP process in the utility's general rate case or other cost recovery proceeding.

(9) The commission will review, as appropriate, a utility's finding that no proposal adequately serves ratepayers' interests, together with evidence filed in support of any acquisition made outside of the RFP process, in the utility's general rate case or other cost recovery proceeding.

[Statutory Authority: RCW 80.01.040, 80.04.160, and chapters 80.28, 19.280, and 19.405 RCW. WSR 21-02-023 (Docket UE-190837, General Order R-602), § 480-107-035, filed 12/28/20, effective 12/31/20. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-035, filed 3/28/06, effective 4/28/06.]

WAC 480-107-045 Pricing and contracting procedures. (1) Once bids are ranked in accordance with WAC 480-107-035, the utility must determine which bids best meet the selection criteria and produce the relevant attributes required in that portion of the resource need to which the bid is directed.

(2) The bid's price, pricing structure, and terms are subject to negotiation.

[Statutory Authority: RCW 80.01.040, 80.04.160, and chapters 80.28, 19.280, and 19.405 RCW. WSR 21-02-023 (Docket UE-190837, General Order R-602), § 480-107-045, filed 12/28/20, effective 12/31/20. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-045, filed 3/28/06, effective 4/28/06.]

WAC 480-107-065 Acquisition of conservation and efficiency resources. (1) A conservation and efficiency resource supplier may participate in the bidding process for any resource need. A utility or

its subsidiary or affiliate may participate as a conservation resource supplier subject to the conditions described in WAC 480-107-024.

(2) All conservation and efficiency measures within a bid must produce savings that can be reliably measured or estimated with accepted engineering, statistical, or meter-based methods.

(3) A utility must acquire conservation and efficiency resources through a competitive procurement process as described in this rule unless the utility is implementing a competitive procurement framework for conservation and efficiency resources as approved by the commission.

(a) As part of that process, a utility may develop, and update each biennium, a competitive procurement framework for conservation and efficiency resources in consultation with its conservation advisory group, as described in WAC 480-109-110. The utility may file its first competitive procurement framework for conservation and efficiency resources with the utility's 2022-2023 biennial conservation plan.

(b) The competitive procurement framework for conservation and efficiency resources must:

(i) Define the specific criteria that the utility will use to determine the frequency of competitive bidding for conservation and efficiency resource programs, in whole or part;

(ii) Address appropriate public participation, outreach, and communication of evaluation and selection criteria;

(iii) Enhance or, at minimum, not interfere with the adaptive management of programs;

(iv) Include documentation of support by the advisory group; and

(v) Be filed as an appendix to the utility's biennial conservation plan, as described in WAC 480-109-120.

(c) The competitive procurement framework for conservation and efficiency resources may:

(i) Exempt particular programs from competitive procurement, such as low-income, market transformation, or self-directed programs; and

(ii) Consider if and when to use an independent evaluator.

[Statutory Authority: RCW 80.01.040, 80.04.160, and chapters 80.28, 19.280, and 19.405 RCW. WSR 21-02-023 (Docket UE-190837, General Order R-602), § 480-107-065, filed 12/28/20, effective 12/31/20. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-065, filed 3/28/06, effective 4/28/06.]

WAC 480-107-075 Contract finalization. (1) Unless otherwise prohibited by law, a utility may decide whether to enter into a final contract with any bidder that meets the selection criteria of the RFP. Any such bidder may petition the commission to review a utility's decision not to enter into a final contract.

(2) Any bidder and utility may negotiate changes to the selected bid, subject to any limitation established in the RFP, for the purpose of finalizing a particular contract consistent with the provisions of this chapter.

(3) Any contract signed by the utility to fill a resource need as a result of an RFP process must require the firm awarded the contract to track and report to the utility its use of diverse businesses including, but not limited to, women-, minority-, disabled-, and veteran-owned businesses, and to track and report to the utility the firm's application of the labor standards in RCW 82.08.962 and 82.12.962.

(4) If a bidder makes material changes to its bid after bid ranking, including material price changes, the utility must suspend contract finalization with that bidder, and the utility and any independent evaluator must rerank bids according to the revised bid. If the material changes cause the revised bid to rank lower than bids the utility has not originally selected, the utility must instead pursue contract finalization with the next highest ranked bid.

[Statutory Authority: RCW 80.01.040, 80.04.160, and chapters 80.28, 19.280, and 19.405 RCW. WSR 21-02-023 (Docket UE-190837, General Order R-602), § 480-107-075, filed 12/28/20, effective 12/31/20. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-075, filed 3/28/06, effective 4/28/06.]

WAC 480-107-115 System emergencies. (1) A generating facility entering into a power contract must provide energy or capacity to a utility during a system emergency only to the extent:

(a) Provided by agreement between such generating facility and utility; or

(b) Ordered under section 202(c) of the Federal Power Act.

(2) During any system emergency, a utility may discontinue or curtail:

(a) Purchases from a generating facility if such purchases would contribute to such emergency; and

(b) Sales to a generating facility, if such discontinuance or curtailment:

(i) Does not discriminate against a generating facility; and

(ii) Takes into account the degree to which purchases from the generating facility would offset the need to discontinue or curtail sales to the generating facility.

(3) System emergencies resulting in utility action under this chapter are subject to verification by the commission upon request by either party to the power contract.

[Statutory Authority: RCW 80.01.040, 80.04.160, and chapters 80.28, 19.280, and 19.405 RCW. WSR 21-02-023 (Docket UE-190837, General Order R-602), § 480-107-115, filed 12/28/20, effective 12/31/20. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-115, filed 3/28/06, effective 4/28/06.]

WAC 480-107-125 Interconnection costs. (1) Any costs of interconnection are the responsibility of the owner or operator of the generating facility entering into a power contract under this chapter. The utility must assess all reasonable interconnection and necessary system or network upgrade costs the utility incurs against a generating facility on a nondiscriminatory basis.

(2) The owner or operator of the generating facility must reimburse the utility for any reasonable interconnection costs the utility may incur. Such reimbursement shall be made, at the utility's election:

(a) At the time the utility invoices the owner or operator of the generating facility for interconnection costs incurred by the utility; or

(b) Over an agreed period of time not greater than the length of any contract between the utility and the generating facility.

[Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-125, filed 3/28/06, effective 4/28/06.]

WAC 480-107-145 Filings—Investigations. (1) The commission retains the right to examine bids as originally submitted to the utility by bidders. The utility must keep all documents supplied by bidders or on their behalf, and all documents created by the utility relating to each bid, including materials provided to the utility by an independent evaluator, for the later of seven years from the close of the bidding process, or the conclusion of the utility's general rate case in which the commission reviewed the fully-developed project for prudence, including any time period allowed for reconsideration or appeal.

(2) The utility must file with the commission within ninety days of the conclusion of any RFP process, a summary report of responses including, at a minimum:

(a) Specific reasons for rejecting any bid under WAC 480-107-035(6);

(b) The number of bids received, categorized by technology type;

(c) The size of the bids received, categorized by technology type;

(d) The median and average bid price, categorized by technology type and sufficiently general to limit the need for confidential designation whenever possible;

(e) The number of bids received by location, including locations designated as highly impacted communities;

(f) The number of bids received and accepted by bidder type, including women-, minority-, disabled-, or veteran-owned businesses;

(g) The number of bids received, categorized by ownership structures; and

(h) The number of bids complying with the labor standards identified in RCW 82.08.962 and 82.12.962.

[Statutory Authority: RCW 80.01.040, 80.04.160, and chapters 80.28, 19.280, and 19.405 RCW. WSR 21-02-023 (Docket UE-190837, General Order R-602), § 480-107-145, filed 12/28/20, effective 12/31/20. Statutory Authority: RCW 80.01.040 and 80.04.160. WSR 06-08-025 (Docket No. UE-030423, General Order No. R-530), § 480-107-145, filed 3/28/06, effective 4/28/06.]