



October 31, 2025

Re: Comments of the Northwest & Intermountain Power Producers Coalition on Emissions Associated with Imports from Both Unspecified and Specified Electricity

The Northwest & Intermountain Power Producers Coalition (“NIPPC”) appreciates the opportunity to comment on the Washington State Department of Ecology (“Ecology”) Cap-and-Invest Program Updates and Linkage rulemaking, including the proposed amendments to the rule language in Washington Administrative Code (“WAC”) Chapters 173-441 (Reporting of Emissions of Greenhouse Gases) and 173-446 (Climate Commitment Act Program Rule). As described in more detail below, NIPPC submits these comments to support the recommendations made by Georgia-Pacific Corporation (“GP”) regarding the calculation of compliance obligations for electricity imports that include both unspecified and specified sources.

As a regional membership organization representing competitive power participants in the electricity sector in the Pacific Northwest and Intermountain region,¹ NIPPC applauds Ecology for refining its carbon market policies in close collaboration with stakeholders ahead of the second compliance period. Working with stakeholders allows issues like the ambiguity discussed herein to be resolved efficiently, more effectively. NIPPC appreciates GP’s continued attention to this matter and respectfully recommends Ecology address this issue promptly.

As explained by GP, separate thresholds trigger compliance obligations for specified and unspecified electricity imports, which naturally suggest they would be applied separately so that coverage under one category would not automatically result in coverage under the other.² As currently drafted, however, Ecology’s rules appear to be ambiguous and may create a combined compliance obligation whereby imports sufficient to meet the threshold for unspecified electricity also trigger a compliance obligation for any specified electricity imported regardless of how much specified electricity is actually imported. NIPPC agrees with GP that Ecology should address this potential ambiguity and ensure its final rules do not undermine the spirit and

¹ NIPPC members include owners, operators, and developers of independent power generation and storage, power marketers, and affiliated companies.

² See Georgia-Pacific Corporation, Cap-and Invest Program Rule Updates and Linkage Rulemaking Comments (Sept. 5, 2025), *available at* https://scs-public.s3-us-gov-west-1.amazonaws.com/env_production/oid100/did200118/pid_209964/assets/merged/3t0xi6zehc1_document.pdf?v=48948; Georgia-Pacific Corporation, Cap-and Invest Program Updates and Linkage Rulemaking Comments (May 15, 2025), *available at* https://scs-public.s3-us-gov-west-1.amazonaws.com/env_production/oid100/did200118/pid_209964/assets/attachments/49678/5q0hi7hrq4s_document.pdf?v=31563.

purpose of the Climate Commitment Act. To that end, NIPPC recommends Ecology either amend the draft rules to clarify how compliance obligations are triggered or otherwise explain how the rules as drafted are consistent with the statute.

NIPPC looks forward to continuing the discussion on electric utility allocation at the workshop next month and to working with stakeholders to provide input refining the draft rules.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, reading "Sidney Villanueva". The signature is written in a cursive, flowing style with a long horizontal line extending from the end.

Sidney Villanueva

Senior Policy Advisor