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Submitted via Web Portal

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RE: Ecology April 20th Draft Electricity Imports & Centralized Electricity Market Rules

On April 20th, the Washington Department of Ecology (Ecology) published draft rules relating to centralized electricity markets (CEMs) and electricity imports for public review and feedback under its ongoing Cap-and-Invest Program Updates and Linkage Rulemaking. The Public Generating Pool (PGP) is a trade association representing eight consumer-owned utilities in Washington and one in Oregon that own and operate their own generating resources. PGP respectfully offers the following comments on select elements of the April 20th draft rules.

Federal Power Marketing Administration Provisions

PGP supports the inclusion of provisions in new proposed WAC 173-441-124(2)(d)(xii) identifying the appropriate “electricity importer” in situations where a federal power marketing administration (FPMA) participates in a CEM but has not opted-in to Washington’s Cap-and-Invest Program. PGP respectfully provides one technical edit, however, noting that while the Bonneville Power Administration, as an FPMA, has not opted into coverage under the Cap-and-Invest Program, it does currently voluntarily comply with Ch. 173-441 WAC, the Greenhouse Gas Reporting Rule:

(xii) If the importer identified under (f)(iii) of this subsection is a federal power marketing administration over which Washington does not have jurisdiction, and the federal power marketing administration has not voluntarily elected to comply with ~~((this chapter))~~ **chapter 173-446 WAC:**

PGP also supports the proposed amendment to the current definition of “deemed market importer” specifying that if an FPMA is the market participant on behalf of non-federal resources, then the resource owner or operator is the deemed market importer.

New Proposed Market Purchaser Framework

PGP has concerns with the new “market purchaser” definition and reporting requirements in proposed WAC 173-441-124(2)(pp) and proposed WAC 173-441-124(3)(g). The draft rules as currently written are unclear with respect to how this framework would align with the current “deemed market importer” framework, and whether compliance obligations would be imposed under Ch. 173-446 WAC, the Climate Commitment Act (CCA) Program Rule, for emissions associated with either direct or indirect electricity imports reported by a “market purchaser.” For electric power entities that are customers of an FPMA and not themselves a market participant, PGP notes that these entities would be unlikely to be able to accurately provide the information required in proposed WAC 173-441-124(3)(g) unless and until a pro-rata attribution methodology is developed and implemented in each CEM.

PGP also notes that these proposed provisions use terminology, such as “electrical distribution utility” and “load-serving entity,” that are not currently defined in Ch. 173-441 WAC, and should be rewritten to use terms that are already defined in that chapter.

Electricity Storage Systems

In Ecology’s February 5, 2026, request for feedback¹ on topics relating to CEMs and electricity imports, Ecology proposed updating WAC 173-441-124 to include provisions specific to electricity imports from electricity storage systems (ESS), similar to those provisions proposed by the California Air Resources Board (CARB) in its ongoing rulemaking to update the Mandatory Reporting Regulation (17 CCR §95111)². In PGP’s February 20th comments to Ecology³, PGP expressed that it would be premature for Ecology to adopt rules mirroring or referencing CARB’s proposed rules at this time, unless doing so is a necessary precondition to linkage, and that stakeholders would benefit from additional discussion as to whether and how CARB’s proposed changes are applicable to the Washington context before Ecology adopts similar provisions in rule.

PGP continues to believe that this topic warrants more deliberative discussion among stakeholders but does have some concern with an outcome where electricity imports from ESS would be treated as unspecified in the absence of a specific rule addressing these imports. PGP recommends that Ecology set a timeframe under which it will implement a rule addressing ESS imports following

¹ Washington Department of Ecology. February 5, 2026. Feedback requested on centralized electricity markets and electricity imports. Retrieved from: https://ecology.wa.gov/getattachment/54b5e33a-63a8-4b37-a97a-176c23456445/CEMImports_FeedbackRequest_2602.pdf.

² California Air Resources Board. January 20, 2026. Appendix A-1 Proposed Regulation Order: Proposed Amendments to the Regulation for the Mandatory Reporting of Greenhouse Gas Emissions. Retrieved from: https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2026/mrr/app_a-1.pdf.

³ Public Generating Pool. February 20, 2026. Retrieved from: https://scs-public.s3-us-gov-west-1.amazonaws.com/env_production/oid100/did200118/pid_210619/assets/merged/160yihc5mdb_document.pdf?v=42814.

robust stakeholder discussion on whether and how the California approach will work within the Washington framework. For the present rulemaking, PGP recommends that Ecology clarify that imports from ESS can be treated as unspecified or specified in order to enable an electric power entity to demonstrate a reasonable approach for specified treatment in the absence of the adoption of a detailed methodology.

Conclusion

PGP appreciates the opportunity to offer feedback on Ecology's April 20th draft rules relating to CEMs and electricity imports under the Cap-and-Invest Program Updates and Linkage Rulemaking. We look forward to continuing to engage with Ecology on these issues through future public workshops and the rulemaking process.

Sincerely,

/s/ Mary Wiencke

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