

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	
TRANSPORTATION COMMISSION,)	DOCKET NO. UE-030751
)	
Complainant,)	ORDER NO. 04
)	
v.)	
)	ORDER GRANTING MOTION TO
AVISTA CORPORATION, d/b/a)	SUBMIT SUPPLEMENTAL
AVISTA UTILITIES,)	TESTIMONY
)	
Respondent.)	
.....)	

1 **SYNOPSIS:** *The Commission grants Public Counsel’s motion to submit supplemental testimony.*

2 **PROCEEDINGS:** The Commission initiated this proceeding on the joint motion of Commission Staff, Public Counsel, and ICNU to determine the prudence of Avista’s power cost deferrals under the Energy Recovery Mechanism (ERM) approved as part of the Stipulation adopted by the Commission on June 18, 2002, in Docket No. UE-011595.

3 **PARTIES:** David Meyer, attorney, Spokane, WA, represents Avista Corporation, d/b/a Avista Utilities (Avista). Donald Trotter, Assistant Attorney General, represents Commission Staff. Robert Cromwell, Assistant Attorney General, Public Counsel’s Office, Seattle, WA, represents Public Counsel. S. Bradley Van Cleve, attorney, Portland, OR, represents Industrial Customers of Northwest Utilities (ICNU). Don André, Director of the Citizens’ Utility Alliance (CUA) and Assistant Director of Spokane Neighborhood Action Programs (SNAP), Spokane, WA, represents CUA and SNAP.

MEMORANDUM

- 4 **Motion to Submit Supplemental Testimony.** On November 24, 2003,¹ Public Counsel filed a motion requesting that the Commission allow the submission of supplemental testimony of Catherine M. Elder. Public Counsel's request follows its motion for continuance of hearing dates granted by the Commission on October 7, 2003. Public Counsel requested the continuance to allow its expert witness, Ms. Catherine M. Elder, time to analyze data to be provided by Avista on October 6, 2003. Public Counsel explained that this data may materially alter Ms. Elder's analysis previously submitted on August 25, 2003, and if so, Public Counsel would move to supplement her testimony. Accordingly, Public Counsel now seeks Commission permission to file Ms. Elder's supplemental testimony. Given the limited time remaining prior to the December 15, 2003, evidentiary hearing, Public Counsel requests expedited consideration of this request. No party objects to the motion to submit supplemental testimony.
- 5 Public Counsel asserts that good cause exists for the Commission to allow the submission of Ms. Elder's supplemental testimony. Public Counsel states that the data and analysis, which is the basis for Ms. Elder's supplemental testimony was not available to Public Counsel at the time her original testimony was submitted. Public Counsel believes that the proffered supplemental testimony will assist the Commission in its analysis of the matters not before it.
- 6 **Commission Decision.** The Commission has reviewed Public Counsel's request to submit supplemental testimony in this proceeding, and finds it consistent with the public interest to grant the motion. Ms. Elder received additional discovery data from Avista after she submitted her original testimony that has materially altered her analysis. The testimony of parties' witnesses forms the foundation for the Commission's decisions. Ms. Elder's revised analysis based on the additional discovery material may assist the Commission in its analysis of the issues in this proceeding. Accordingly, the Commission finds that good cause exists to allow the submission of the supplemental testimony proffered by Public Counsel.

¹ Public Counsel transmitted an electronic version of all filed material to the parties and to the Commission's Record Center on November 21, 2003, per the ALJ's authorization.

- 7 Supplemental and rebuttal testimony should be submitted according to the schedule outlined below.

Public Counsel files supplemental testimony December 2, 2003

Company files rebuttal to supplemental testimony December 8, 2003

Rebuttal testimony should be served on parties electronically as well as by mail to provide sufficient time for review prior to the hearing.

Dated at Olympia, Washington, and effective this 26th day of November, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

KAREN M. CAILLÉ
Administrative Law Judge