

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

AVISTA CORPORATION, d/b/a AVISTA  
UTILITIES,

Respondent.

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WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

AVISTA CORPORATION d/b/a AVISTA  
UTILITIES,

Respondent.

DOCKETS UE-120436/UG-120437  
*(consolidated)*

DOCKETS UE-110876/UG-110877  
*(consolidated)*

COMMISSION STAFF OBJECTION  
TO PUBLIC COUNSEL'S RESPONSE  
TO BENCH REQUEST 9

1 Commission Staff objects to Public Counsel's response to Bench Request 9, except for these words in the second sentence of the response: "Public Counsel was not able to find an academic study which focuses solely on the ISS peer group, as requested by the Bench Request." The rest of Public Counsel's response is beyond the scope of the Bench Request, and is thus unresponsive and unauthorized.

2 Bench Request 9 requested an "academic or think tank" study "counter to [the Harvard Law School] criticism of the ISS". TR. 347:13 to 348:1. In its response, Public

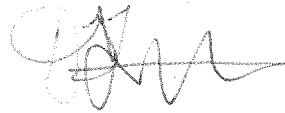
Counsel admits it “was not able to find” such a study. Therefore, the rest of the material Public Counsel offers is unresponsive to Bench Request 9. Public Counsel could have tried to offer this material at hearing, but failed to do so. The Commission should not allow Public Counsel to use its non-response to Bench Request 9 to remedy that failure.

3 For these reasons, the Commission should grant Staff’s motion and strike Public Counsel’s response to Bench Request 9, except for the only words that actually respond to the Commission’s request, i.e., the words: “Public Counsel was not able to find an academic study which focuses solely on the ISS peer group, as requested by the Bench Request.”

Dated this 11<sup>th</sup> day of December 2012.

Respectfully submitted,

ROBERT M. MCKENNA  
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