

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND)	
TRANSPORTATION COMMISSION,)	DOCKET NO. UE-001734
)	
Complainant,)	
)	FOURTH SUPPLEMENTAL
v.)	ORDER RE-ESTABLISHING
)	PROCEDURAL SCHEDULE
PACIFICORP, d/b/a PACIFIC)	
POWER & LIGHT,)	
)	
Respondent.)	
.....)	

1 *Synopsis: This order re-establishes a procedural schedule for this proceeding following an unsuccessful attempt to negotiate a permanent service territory agreement.*

2 **Background:** On November 9, 2000, PacifiCorp d/b/a Pacific Power & Light (PacifiCorp) filed with the Commission a tariff revision (Proposed Tariff Revision) which would allow PacifiCorp to charge a customer the costs associated with removing PacifiCorp’s utility property from the customer’s location when the customer changes utility service providers. The Commission suspended the Proposed Tariff Revision pending hearing or hearings concerning such changes and the justness and reasonableness thereof.

3 **Parties:** James C. Paine, Stoel Rives LLP, Portland, Oregon, represents PacifiCorp. Don Trotter, Assistant Attorney General, Olympia, Washington, represents Staff of the Washington Utilities and Transportation Commission (Staff). Robert Cromwell, Assistant Attorney General, Seattle, Washington, represents Public Counsel. Irion Sanger, Davison Van Cleve, P.C., Portland, Oregon, represents Industrial Customers of Northwest Utilities (ICNU). Michael V. Hubbard, Hubbard Law Office, Waitsburg, Washington represents Columbia Rural Electric Association (CREA).

- 4 **Procedural History:** On May 1, 2001, the Commission held a prehearing conference, and established a procedural schedule for prefiled testimony and exhibits, evidentiary hearings, and briefs. The Commission's May 4, 2001, Prehearing Conference Order formally set forth the procedural schedule.
- 5 On July 27, 2001, PacifiCorp filed a motion to amend the Prehearing Conference Order and to hold in abeyance further process in this docket until December 31, 2001. PacifiCorp requested suspension of the procedural schedule because PacifiCorp and CREA had entered into an interim service area agreement and executed a Memorandum of Understanding that set forth the framework for negotiating a permanent service territory agreement. The Commission granted PacifiCorp's motion to amend the Prehearing Conference Order. *Third Supplemental Order Amending Prehearing Conference Order (August 10, 2001)*. The Commission approved the interim service territory agreement in Docket No. UE-011085, and appointed a mediator to facilitate negotiation of a permanent service territory agreement.
- 6 PacifiCorp requested further suspension of the procedural schedule to January 31, 2002, and again to May 15, 2002, in order for PacifiCorp and CREA to continue negotiations. The Commission granted the requests, ordered a status report on February 22, 2002, and a status conference on May 21, 2002.
- 7 PacifiCorp and Commission Staff appeared at the May 21, 2002, status conference. PacifiCorp informed the Commission that the parties were unsuccessful in reaching agreement on a permanent service territory agreement. PacifiCorp asked that the Commission re-establish a procedural schedule for this proceeding.
- 8 On May 30, 2002, the presiding Administrative Law Judge initiated a teleconference to establish a procedural schedule. Representatives of PacifiCorp, CREA, ICNU, Public Counsel, and Commission Staff participated in the teleconference. PacifiCorp and CREA clarified that the interim service territory agreement was no longer in effect. ICNU requested a week to review the record to determine whether it would file a motion to allow additional Staff/Intervenor testimony. Public Counsel supported ICNU's request. PacifiCorp and Commission Staff represented that that they would oppose a motion for additional testimony. The parties discussed scheduling options with a final schedule to be determined by the Commission. Commission Staff suggested the Commission consider prehearing briefs and post-

hearing oral argument. PacifiCorp agreed to waive the statutory suspension period to accommodate the hearing schedule.

9 **Schedule:** The Commission sets the following procedural schedule:

June 21, 2002	CREA responds to Discovery Requests
July 1, 2002	Discovery cut-off on testimony filed thus far
August 21, 2002	PacifiCorp prefiles rebuttal testimony
August 31, 2002	Discovery cut-off on rebuttal testimony
Sept. 11, 2002	Prehearing Conference for marking exhibits and cross-exhibits
Sept.19-20, 2002	Evidentiary hearings
October 11, 2002	Simultaneous opening briefs
October 18, 2002	Simultaneous reply briefs
November 27, 2002	Anticipated date for Commission's Order

10 Additional procedural dates may be established by subsequent notice or order, including Staff's proposal for prehearing briefs and post-hearing oral argument.

11 **Notice to Parties:** Any objection to the provisions of this Order must be filed within ten (10) days after the date of mailing of this statement pursuant to WAC 480-09-460(2). Absent such objections, this Order will control further proceedings in this matter, subject to Commission review.

Dated at Olympia, Washington, and effective this _____ of June, 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

KAREN M. CAILLÉ
Administrative Law Judge