

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of

Pacific Power & Light d/b/a PacifiCorp

Petition to Extend the Amortization of the  
PCAM Surcharge

DOCKET UE-230482

PUBLIC COUNSEL'S RESPONSE  
TO COMMISSION STAFF MOTION  
FOR CONTINUANCE

1. In accordance with WAC 480-07-385(3)(a), the Public Counsel Unit of the Washington State Attorney General's Office (Public Counsel) files this Response to the Commission Staff's (Staff) Motion for Continuance Extending Review Period of Pacific Power and Light Company's Filing<sup>1</sup> (Motion) filed on October 6, 2023. The Commission Staff's Motion requests to move the deadline to October 31, 2023 to complete review of Pacific Power & Light Company's (the Company or PacifiCorp) 2022 Power Cost Adjustment Mechanism (PCAM) filing, in which the Company requests a \$71.5 million surcharge in Washington rates over two years.<sup>2</sup> Public Counsel does not oppose Staff's Motion, but Public Counsel calls the Washington State Utilities and Transportation Commission's (Commission) to notice the separate and pending Petition for Adjudication (Petition) the Alliance of Western Energy Consumers (AWEC) filed on October 10, 2023. Public Counsel believes that the Petition, if granted, would provide the greater amount of time for review that this proceeding warrants.<sup>3</sup>
2. The Commission's rules provide that the Commission will grant a continuance if the requesting party demonstrates good cause and that the continuance will not prejudice any other party or the Commission.<sup>4</sup> The Commission's rules also address petitions for adjudication at 480-07-305. The Commission has broad authority to commence an adjudication where it determines the issues presented warrant a fuller development of the record for evaluation and

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<sup>1</sup> UTC Staff's Mot. Cont., (filed Oct. 6, 2023) (hereinafter Motion).

<sup>2</sup> *Id.*; see PacifiCorp's Pet. Extend Amort., ¶ 5 (filed June 15, 2023).

<sup>3</sup> See Alliance Western Energy Consumers's Pet. Adjudicate (filed Oct. 10, 2023) (hereinafter Petition); WAC 480-07-385(3)(a); WAC 480-07-370(4)(b).

<sup>4</sup> See WAC 480-07-385(2)(a).

Commission decision.<sup>5</sup> The adjudicatory process establishes more time for testimony, discovery, cross examination of witnesses, and evidentiary hearing before the Commission.<sup>6</sup> An adjudicatory process is appropriate here.

3. The Company's requested surcharge in this Docket is substantial. Public Counsel, along with other parties, have significant questions regarding the prudence of the Company's actions that underlie the request for a \$71.5 million surcharge in Washington rates.<sup>7</sup> PacifiCorp has a six-state service territory, and additional time is warranted to develop the record to explore and determine whether the Company's request to increase rates in Washington is fair, just, and reasonable in light of circumstances in the five other states that PacifiCorp serves.<sup>8</sup> Neither AWEC nor the Commission would be prejudiced by Staff's request, as additional time would allow the parties and the Commission to do a full analysis of the Company's filing.
4. For these reasons, while Public Counsel does not oppose Staff's Motion for Continuance, Public Counsel believes the additional time for adjudication proposed in AWEC's Petition is warranted to develop the record for decision in this proceeding.

Dated this 11th day of October, 2023.

ROBERT W. FERGUSON  
Attorney General

*/s/ Ann Paisner*  
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<sup>5</sup> See WAC 480-07-305.

<sup>6</sup> See WAC 480-07-305; WAC 480-07-300 through WAC 480-07-498.

<sup>7</sup> See Motion; Petition.

<sup>8</sup> PacifiCorp's Pet. Extend Amort.