

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

AVISTA CORPORATION, D/B/A
AVISTA UTILITIES,

Respondent.

DOCKET UE-240891

ORDER 03

PREHEARING CONFERENCE
ORDER; NOTICE OF HYBRID
EVIDENTIARY HEARING (**Set for
October 3, 2025 at 9 a.m.**)

- 1 **BACKGROUND.** On October 31, 2024, Avista Corporation d/b/a Avista Utilities (Avista or Company) filed with the Washington Utilities and Transportation Commission (Commission) proposed revisions to its electric service tariff, Tariff WN U-28, Schedule 99 – Colstrip Tracker. Specifically, Avista seeks to revise its tariff rates in Schedule 99 to reflect forecasted costs for Colstrip Units 3 and 4 for calendar year 2025 and to increase annual Schedule 99 revenues by \$18.7 million – from \$23.9 million in 2024 to \$42.6 million in 2025.¹
- 2 On December 19, 2024, this matter came before the Commission at the Open Meeting and Commission staff (Staff) reviewed Avista’s tariff filing and requested the Commission suspend the tariff sheets but allow the proposed rates to become effective January 1, 2025, on an interim basis, subject to refund, pending the Commission’s determination in this docket.
- 3 On December 20, 2024, Avista filed revised tariff sheets, and the Commission issued Corrected Order 01, Complaint and Order Allowing Rates Subject to Later Review and Refund; Setting Matter for Adjudication (Corrected Order 01).

¹ The proposed Schedule 99 annual increase represents a year-over-year increase of 78 percent and is driven by significant capital investment in the Colstrip facility in 2024, and 2025, which Avista seeks to recover in full in 2025. *W.U.T.C. v. Avista Corporation*, Corrected Order 01, Complaint and Order Allowing Rates Subject to Later Review and Refund at 2:4 (December 20, 2024).

4 On February 11, 2025, the Commission issued a Notice of Prehearing Conference, setting
a prehearing conference for March 6, 2025.

5 **CONFERENCE.** The Commission convened a virtual prehearing conference on March
6, 2025, before Administrative Law Judge Amy Bonfrisco.

6 **APPEARANCES.** David Meyer, Chief Counsel, represents Avista. Nash Callaghan and
Josephine Strauss, Assistant Attorneys General, represent Staff.² Jessica Johanson-Kubin,
Tad Robinson O’Neill, and Robert Sykes, Assistant Attorneys General, represent the
Public Counsel Unit of the Attorney General’s Office (Public Counsel). Sommer Moser,
Michelle Madsen and Tyler Pepple of Davison Van Cleve, P.C., represent the Alliance of
Western Energy Consumers (AWEC). Yochanan Zakai of Shute, Mihaly & Weinberger
represents the NW Energy Coalition (NVEC). Contact information for representatives of
those granted party status is attached as Appendix B to this Order.

7 **INTERVENTION.** At the prehearing conference, the presiding administrative law judge
granted unopposed petitions to intervene timely filed by AWEC and NVEC.

8 **PROTECTIVE ORDER.** The Commission entered Order 02, Protective Order in this
Docket on March 6, 2025, to make discovery immediately available to the parties.

9 **DISCOVERY.** Discovery shall be conducted under the Commission’s discovery rules,
WAC 480-07-400 – 425. The Commission urges the parties to work cooperatively
together to avoid having to bring discovery matters forward for formal resolution. In
Order 02, the Commission issued a separate protective order.

10 The Parties agree to certain discovery practices that will facilitate the sharing of all data
requests and responses with all Parties as well as the tracking and organizing of those
data requests and responses.

11 First, the Parties agree to identify each data request by subject (1) above each data
request, (2) in the cover letter, and (3) in the distribution email. Data requests propounded
in a single set will be grouped by subject in the cover letter and distribution email. The
Parties will cooperate to develop a uniform list of subjects to facilitate discovery tracking.
These discovery tracking processes are not intended to limit or restrict discovery in any
way.

² In formal proceedings such as this, the Commission’s regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners’ policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

- 12 Second, response times to data requests will be adjusted as set forth in Appendix A.
- 13 Third, the Commission believes it will aid discovery in this case if all responses to data requests are shared with all parties. No party objected to the Commission making the exchange of data requests and responses with all parties a requirement for discovery in this case. Accordingly, the Commission requires the parties to share every data request and data request response with all parties, subject to any confidentiality limitations contained in Commission rule or the protective order issued in this docket. To be clear, data requests and responses are not shared with the Commissioners, the presiding administrative law judge, or Commission policy advisors, unless those responses are offered as exhibits to be admitted into the record.
- 14 **PROCEDURAL SCHEDULE.** The parties presented an agreed procedural schedule to the presiding administrative law judge at the prehearing conference. The Commission adopts the procedural schedule proposed by Staff and agreed to by the parties, with some modifications, including the proposed hybrid evidentiary hearing and post-hearing briefs date, and deadline for filing errata sheets, which is attached as Appendix A of this Order. The parties may modify the date of either settlement conference by providing written notice to the Commission.
- 15 At the prehearing conference, Staff and the presiding administrative law judge discussed that this proceeding will not be subject to a statutory suspension date, because Corrected Order 01 allowed Avista's proposed rates to take effect subject to later review and possible refund. Pursuant to RCW 80.04.130(1), the Commission "may suspend the operation of such rate, charge, rental, or toll for a period not exceeding ten months from the time the same would otherwise go into effect." After consideration of this issue, the Commission agrees that this proceeding is not subject to a statutory suspension deadline.
- 16 Finally, the Commission is not bound by requested final order date set forth in the Parties' agreed procedural schedule.³ Although we adopt the parties' proposed schedule, we reserve the right to extend or otherwise modify the procedural timeline if doing so is necessary to afford the Commission adequate time to consider all of the evidence and render its decision.

³ *WUTC v. Puget Sound Energy*, Dockets UE-072300 (consolidated) Order 13 ¶ 42 (January 15, 2009).

17 **INTERVENOR FUNDING.** At the prehearing conference, the presiding administrative law judge granted case certification status to NVEC and AWEC. Proposed budgets are due Monday, April 7, 2025.⁴

18 **DOCUMENT FILING AND SERVICE REQUIREMENTS.** Parties must file and serve all pleadings, motions, briefs, and other pre-filed materials in compliance with all of the following requirements:

- (a) Parties must submit electronic copies of all documents by 5 p.m. on the filing deadline established in the procedural schedule (or other deadline as applicable) unless the Commission orders otherwise. Parties must comply with WAC 480-07-140(6) in formatting, organizing, and identifying electronic files.
- (b) The Commission accepts only electronic versions of documents for formal filing. Parties must submit documents electronically through the Commission's web portal (www.utc.wa.gov/e-filing). If a party is unable to use the web portal to submit documents for filing, the Commission will accept a submission via email to records@utc.wa.gov, provided that the email: (1) explains the reason the documents are not being submitted via the web portal, and (2) complies with the requirements in WAC 480-07-140(5)(b).
- (c) Parties must electronically serve the other parties and provide courtesy electronic copies of filings to the presiding administrative law judge (amy.bonfrisco@utc.wa.gov) by 5 p.m. on the filing deadline unless the Commission orders otherwise. If parties are unable to email copies, they may furnish electronic copies by delivering them on a flash drive only.

19 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and serve all proposed cross-examination exhibits by **5 p.m. on Friday, September 26, 2025.** The Commission requires electronic copies in searchable PDF (Adobe Acrobat or comparable software). If any of the exhibits contain information designated as confidential, parties must file an electronic copy of the redacted version in searchable PDF (Adobe Acrobat or comparable software) of each such exhibit. The exhibits must be grouped according to the witness the party intends to cross examine with the exhibits.

⁴ As discussed during the March 6, 2025, prehearing conference, given that there is a revised Intervenor Funding Agreement pending before the Commission for review, we will grant leave to amend any proposed budget requests to the extent necessary to conform with the terms approved by the Commission.

- 20 **EXHIBIT LISTS.** With each submission of pre-filed testimony and exhibits, the party making the submission must include a preliminary exhibit list that identifies each submitted exhibit in the format the Commission uses for exhibit lists it prepares for evidentiary hearings. The Company will prepare its preliminary exhibit list and circulate it to the parties. Each party must file and serve a final list of all exhibits the party intends to introduce into the evidentiary record, including all pre-filed testimony and exhibits, as well as cross-examination exhibits by **5 p.m. Friday, September 26, 2025.**
- 21 **CROSS-EXAMINATION TIME ESTIMATES.** Each party must provide a list of witnesses the party intends to cross-examine at the evidentiary hearing and an estimate of the time that party anticipates the cross-examination of that witness will take. Parties should not file witness lists or cross-examination time estimates but must provide them to administrative law judge (amy.bonfrisco@utc.wa.gov) and the other parties by email on **Friday, September 26, 2025.**
- 22 **PUBLIC COMMENT HEARING.** The parties agreed to schedule a public comment hearing at a later date.
- 23 **NOTICE OF EVIDENTIARY HEARING.** The Commission will hold a hybrid evidentiary hearing in this docket on Friday, October 3, 2025, at 9 a.m. Parties may attend the hearing in person at the Commission’s headquarters or virtually via Zoom. To attend the hearing via Zoom, [click here to join meeting](#), or call (253) 215-8782 and enter the Conference ID: 892 6389 3554# and use the Passcode: 027199#.⁵
- 24 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission has limited ability to provide dispute resolution services. If you wish to explore those services, please contact Connor Thompson, Interim Director, Administrative Law Division (360) 664-1346.
- 25 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of this Order, in the upper right-hand corner. Absent such objection,**

⁵ <https://utc-wa-gov.zoom.us/j/89263893554?pwd=nOmbPH6YhvKEaTK2SqbcqaBjgfWbyz.1>

this Order will control further proceedings in this docket, subject to Commission review.

DATED at Lacey, Washington, and effective March 21, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Amy Bonfrisco _____

Amy Bonfrisco

Administrative Law Judge

**APPENDIX A
PROCEDURAL SCHEDULE
UE-240891**

EVENT	DATE
Company Filing	October 31, 2024
Prehearing Conference	March 6, 2025
Intervenor Funding Proposed Budgets	April 7, 2025
Initial Settlement Conference (parties only) ⁶	May 12, 2025
Avista Direct Testimony and Exhibits Due	June 9, 2025
Staff, Public Counsel, and Intervenor Response Testimony and Exhibits	July 24, 2025
Second Settlement Conference (parties only)	August 5, 2025
Notice Issued for Public Comment Hearing	At least 30 days prior to Public Comment Hearing
Public Comment Hearing	TBD
Avista Rebuttal Testimony and Exhibits; Staff, Public Counsel, and Intervenor Cross-Answering Testimony and Exhibits ⁷	Aug 25, 2025
Discovery Deadline – Last Day to Issue Data Requests ⁸	September 15, 2025

⁶ Per WAC 480-07-700(5)(a), parties may reschedule a settlement conference included in the procedural schedule without seeking to modify the schedule if all parties agree, but the parties must provide notice to the presiding officer of the rescheduled date.

⁷ Response time to data requests relating to this testimony will be 7 business days.

⁸ Response time to data requests will be 7 business days.

Exhibits List, Cross-Examination Exhibits, Witnesses List, Time Estimates, Exhibits Errata Due	September 26, 2025
Evidentiary Hearing	October 3, 2025
Simultaneous Post-Hearing Briefs	October 24, 2025

**APPENDIX B
PARTIES' REPRESENTATIVES**

DOCKET UE-240981	REPRESENTATIVE	PHONE	E-MAIL
Avista Corporation d/b/a/ Avista	David Meyer VP and Chief Counsel Avista Corporation d/b/a Avista P.O. Box 3727 Spokane, WA 99220-3727	(509) 495-8620	david.meyer@avistacorp.com
Commission Staff	Nash Callaghan Assistant Attorney General Office of the Attorney General Utilities Transportation Division P.O. Box 40128 Olympia, WA 98504	(360) 586-7777	nash.callaghan@atg.wa.gov
	Josephine Strauss Assistant Attorney General	(360) 664-1186	josephine.strauss@atg.wa.gov
Public Counsel	Tad Robinson O'Neill Assistant Attorney General Washington Attorney General's Office Public Counsel Unit 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188	(206) 464-6595	tad.oneill@atg.wa.gov
	Jessica Johanson-Kubin Assistant Attorney General	(206) 521-3211	jessic.johanson-kubin@atg.wa.gov
	Robert Sykes Assistant Attorney General	(206) 389-2055	robert.sykes@atg.wa.gov
	Service email		PCCSeaEF@atg.wa.gov
Alliance of Western Energy Consumers (AWEC)	Sommer J. Moser Davison Van Cleve, P.C. 107 SE Washington St. Suite 430 Portland, OR 97214	(503) 241-7272	sjm@dvclaw.com
	Michelle Madsen	(503) 241-7242	mnm@dvclaw.com
	Tyler Pepple	(503) 241-7242	tcp@dvclaw.com
NW Energy Coalition (NWEC)	Yochanan Zakai Shute, Mihaly & Weinberger LLP 396 Hayes Street San Francisco, California 94102	(415) 552-7272	yzakai@smwlaw.com