Judge Wallis et al - - I didn't see a response to Public Counsel's November 6 request. Judge Wallis, I would appreciate a status report at your convenience. Thank you in advance. Nancy

>-----Original Message----->From: ffitch, Simon \(ATG\) [mailto:SimonF@ATG.WA.GOV] >Sent: Monday, November 6, 2006 03:56 PM >To: 'Bob Wallis' >Cc: 'Hon. Robert Wallis', chuck_eberdt@opportunitycouncil.org, 'Meyer, David', >efinklea@chbh.com, 'Greg Trautman', gtrautman@wutc.wa.gov, nglaser@nwenergy.org, >ronaldroseman@comcast.net, 'Johnson, Steven \(ATG\)', 'Records Center WUTC' >Subject: RE: Avista Decoupling UG-060518 revised schedule > >Judge Wallis: >>Thank you for your response your honor. We would support the adoption >of a briefing outline prior to the hearing, however, Public Counsel >would recommend post-hearing rather than pre-hearing briefs, given that >the rebuttal testimony comes in only one week before hearing and time >will already be tight for hearing preparation. We would request a >slightly longer period than December 7 post-hearing. It would be >difficult for parties to prepare a quality product in two days, and the >transcript is unlikely to be available so soon. Public Counsel would >request that briefs be due no sooner than one week after hearing, on >December 12. >>Simon ffitch >Assistant Attorney General, Section Chief >Public Counsel >Washington Attorney General >800 Fifth Avenue, Suite 2000 >Seattle Washington 98104-3188 >>Office: (206) 389-2055 >FAX: (206) 389-2079 >Email: simonf@atg.wa.gov >>-----Original Message----->From: Bob Wallis [mailto:bwallis@wutc.wa.gov] >Sent: Monday, November 06, 2006 3:08 PM >To: ffitch. Simon (ATG) >Cc: Hon. Robert Wallis; chuck_eberdt@opportunitycouncil.org; Meyer, >David; efinklea@chbh.com; Greg Trautman; gtrautman@wutc.wa.gov;

>nglaser@nwenergy.org; ronaldroseman@comcast.net; Johnson, Steven (ATG)
Subject: Re: Avista Decoupling UG-060518 revised schedule

> >

>Thank you, Mr. ffitch. My recollection is apparently in error. Given >the

>timing of the proceeding, I think it would be better to set a date for >briefs that could be cancelled if necessary. Given the limited time for >the hearing and the likely narrow range of issues, it should be feasible >to

>outline a brief and before the hearing and fine-tune it briefly >afterwards.

>I am thus prone to suggest that briefs, if any, be required no later >than

>the close of business on December 7. If any party has difficulty with >that, please let me know. Be forewarned that there are scheduling >issues

>that may significantly complicate matters if the order date is extended >beyond January 1. Another option may include prehearing briefs, >followed

>by brief arguments at the conclusion of the hearing.

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>Please also remember to copy the Records Center with correspondence >relating to the hearing.

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>Thank you!
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>Bob Wallis
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>
> "ffitch, Simon
>
> (ATG)''
>
> <SimonF@ATG.WA.GO
>To
> V> "Hon. Robert Wallis"
>
> <BobW@wutc.wa.gov>
>
> 11/06/2006 02:21
>cc
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> PM><chuck_eberdt@opportunitycouncil.or >g>, <efinklea@chbh.com>, > > < gtrautman@wutc.wa.gov>, > > <nglaser@nwenergy.org>, >> <ronaldroseman@comcast.net>, >> "Johnson, Steven \(ATG\)" > > <StevenJ@ATG.WA.GOV>, "Meyer, > > David" >> <David.Meyer@avistacorp.com>, >"Greg > Trautman" <gtrautma@wutc.wa.gov> > >>Subject > Avista Decoupling UG-060518 >revised > schedule >>> > > >> >>>>> > >> >>>Judge Wallis: >>The prehearing conference order in the above-captioned matter, in the

>place

>for due date for briefs stated "none." It is correct that we did not >discuss this in our phone conference with you. I am writing, with the >concurrence of other parties, to clarify that when the parties discussed >modifiying the schedule among themselves there was no decision or >agreement to dispense with briefs, it simply wasn't addressed. As >noted,

>we then neglected to discuss it with you on our call. The prior >schedule

>did provide for briefs to be filed December 26. The parties have >communicated about this subsequent to the issuance of the order. There >is

>no current consensus on whether post-hearing briefs are needed, with >different opinions on the matter.

> >Given the terms of the prehearing order, we are comfortable waiting >until

>the close of hearing to address whether briefs are requested by parties >or

>the bench and by what deadline. The purpose of this email is simply to >clarify that there was no agreement to affirmatively dispense with >briefs.

> >Thank you. >>>>Simon ffitch >Assistant Attorney General, Section Chief >Public Counsel >Washington Attorney General >800 Fifth Avenue, Suite 2000 >Seattle Washington 98104-3188 >>>Office: (206) 389-2055 >FAX: (206) 389-2079 >Email: simonf@atg.wa.gov > >>> > > >-----Original Message----->From: Meyer, David [mailto:David.Meyer@avistacorp.com] >Sent: Monday, November 06, 2006 1:13 PM

>To: ffitch, Simon (ATG); nglaser@nwenergy.org; Greg Trautman >Cc: chuck_eberdt@opportunitycouncil.org; efinklea@chbh.com; >gtrautman@wutc.wa.gov; ronaldroseman@comcast.net; Johnson, Steven (ATG) >Subject: RE: Avista revised schedule >> Simon, I'm fine with you doing that, so long as you indicate that > there is no consensus that briefs are even needed. David > > From: ffitch, Simon (ATG) [mailto:SimonF@ATG.WA.GOV] > Sent: Monday, November 06, 2006 12:55 PM > To: nglaser@nwenergy.org; Greg Trautman; Meyer, David > Cc: chuck_eberdt@opportunitycouncil.org; efinklea@chbh.com; > gtrautman@wutc.wa.gov; ronaldroseman@comcast.net; Johnson, Steven >(ATG)> Subject: RE: Avista revised schedule > > I guess I am okay with that if we can clarify with the judge that > there was no decision or agreement to dispense with briefs, it > simply wasn't addressed. Any objection to my communicating this >to > Judge Wallis. I can do it via email and cc everyone. > ----- Original Message-----> From: Nancy Glaser [mailto:nglaser@nwenergy.org] > Sent: Monday, November 06, 2006 11:07 AM > To: Greg Trautman; Meyer, David > Cc: chuck_eberdt@opportunitycouncil.org; efinklea@chbh.com; > gtrautman@wutc.wa.gov; Nancy Glaser; >ronaldroseman@comcast.net; > ffitch, Simon (ATG); Johnson, Steven (ATG) > Subject: Re: Avista revised schedule >> I'm fine with this decision to wait and see. Nancy > >>-----Original Message----->>From: Greg Trautman [mailto:gtrautma@wutc.wa.gov] >>Sent: Monday, November 6, 2006 08:45 AM >>To: 'Meyer, David' >>Cc: chuck_eberdt@opportunitycouncil.org, efinklea@chbh.com, >>gtrautman@wutc.wa.gov, 'Nancy Glaser', > ronaldroseman@comcast.net, >>'ffitch, Simon \(ATG\)', 'Johnson, Steven \(ATG\)' >>Subject: RE: Avista revised schedule >> >>I also am not sure that briefs will be necessary, but if >so, I > agree that

>>we could set the schedule for briefs at the conclusion of

>the

> hearings.

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- >> >> "Meyer, David"
- >> <David.Meyer@avis
- >> tacorp.com> To
- >> "ffitch, Simon \(ATG\)"
- >>11/06/2006 08:27 <SimonF@ATG.WA.GOV>, "Nancy Glaser"
- >> AM <nglaser@nwenergy.org>,
- >><efinklea@chbh.com>,
- >><ronaldroseman@comcast.net>,
- >><gtrautman@wutc.wa.gov>, "Johnson,
- >> Steven (ATG)"
- >><StevenJ@ATG.WA.GOV>,
- >> <chuck_eberdt@opportunitycouncil.or
- >>g>
- >> cc
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- >> Subject
- >>RE: Avista revised schedule
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>>I'm not sure that briefs will be necessary; in any event, I

- > believe that we
- >>should wait to see how the hearings unfold and address this
- >at
- > the
- >>conclusion of the hearings, to see if the Commissioners
- >want
- > briefs. David
- >>
- >>From: ffitch, Simon (ATG) [mailto:SimonF@ATG.WA.GOV]
- >>Sent: Friday, November 03, 2006 4:32 PM
- >>To: Meyer, David; Nancy Glaser; efinklea@chbh.com;
- >>ronaldroseman@comcast.net; gtrautman@wutc.wa.gov; Johnson,

> Steven (ATG); >>chuck_eberdt@opportunitycouncil.org >>Subject: Avista revised schedule >> >>Counsel: >> >>I note that the order revising the schedule in this case >does > not provide >>for briefs. We did not address this in our mutual >discussions > of the >>schedule, nor at the conference with the judge as I recall. >I > don't recall >>an agreement to dispense with briefs, however, as the order > seems to >>reflect. My view is that we should either keep the prior >date > of 12/26, or >>agree on another. >> >>Is there any objection to notifying the judge that we would > like a date for >>one round of briefs? >>-----Original Message----->> From: Meyer, David [mailto:David.Meyer@avistacorp.com] >> Sent: Monday, October 30, 2006 10:27 AM >> To: Meyer, David; Gene Waas; ppyron@nwigu.org; ffitch, >Simon > (ATG); >> Nancy Glaser; efinklea@chbh.com; >ronaldroseman@comcast.net; >> gtrautman@wutc.wa.gov; Johnson, Steven (ATG); >> chuck_eberdt@opportunitycouncil.org; jsteward@wutc.wa.gov; >> mparvinen@wutc.wa.gov >> Cc: Norwood, Kelly; Hirschkorn, Brian; Knox, Tara; Powell, > Jon: >> Townley, Tracy M >> Subject: RE: Signature Version of Settlement >> >> >> >> >> Here is the call-in information for our 11:00 a.m. call >this

> morning >> to discuss scheduling in the decupling case: >> >> >> >>>> >> Phone Number: 1-877-232-4392 >> >>>> Code: 860956 >> >>>> David Meyer >>>> >> >>>> >> >> From: Meyer, David >> Sent: Thursday, October 26, 2006 4:37 PM >> To: 'Gene Waas'; 'ppyron@nwigu.org'; 'ffitch, Simon >(ATG)'; >> 'Nancy Glaser'; 'efinklea@chbh.com'; > 'ronaldroseman@comcast.net'; >> 'gtrautman@wutc.wa.gov'; 'stevenj@atg.wa.gov'; >> 'chuck_eberdt@opportunitycouncil.org'; > 'jsteward@wutc.wa.gov'; >> 'mparvinen@wutc.wa.gov' >>>> >> Cc: Norwood, Kelly; Hirschkorn, Brian; Knox, Tara; Powell, > Jon: >> Meyer, David; Townley, Tracy M >> Subject: Signature Version of Settlement >> >> >> Attached are the final versions of the Settlement >Agreement > and >> accompanying attachments: (1) Illustration of Earnings >Test; >(2)>> Illustration of DSM Test; and (3) the Tariff Schedule 159. >(I

> have >> also enclosed legislative-draft versions of the Settlement > and Tariff >> to show final edits received today from Nancy and Staff.) >>>> >> Please fax your signature page directly to Greg Trautman >at >(360)>> 586-5522 before 11:00am tomorrow morning, if possible, so > that he can >> arrange for the necessary filing of the Settlement with >the >> Commission. I will also advise Judge Wallis of the filing >of > the >> Settlement tomorrow. Thanks Greg for agreeing to do this. >>>> >> I appreciate the efforts that have gone into this. >>>> David >> >> >> >>>> >> << File: Clean Final Settlement Agreeement Decoupling 10 >26 >06.rtf >>> << File: Final Settlement Agreeement Decoupling 10 26 >06.rtf >> >> << File: Attachment 1 Earnings Test .pdf >> << File: > Attachment 2 >> DSM.pdf >> << File: Attachment 3 Decoupling > tariff10.26.06.rtf >> >> << File: Decoupling tariff.rtf >> >> >> >> >>>