**BEFORE THE**

# WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

|  |  |  |
| --- | --- | --- |
| WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION, Complainant,v.PACIFIC POWER & LIGHT COMPANY,  Respondent.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_In the Matter of the Petition ofPACIFIC POWER & LIGHTCOMPANY,For an Order Approving Deferral ofCosts Related to Colstrip Outage\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_In the Matter of the Petition ofPACIFIC POWER & LIGHTCOMPANY,For an Order Approving Deferral ofCosts Related to Declining HydroGeneration | )))))))))))))))))))))))))))))) | DOCKET NOS. UE-140762 and UE-140617 *(consolidated)*BOISE WHITE PAPER, L.L.C.’SMOTION FOR PERMISSION TO REPLY TO PACIFIC POWER’S RESPONSE IN OPPOSITION TO MOTION TO STRIKEDOCKET NO. UE-131384 *(consolidated)*DOCKET NO. UE-140094 *(consolidated)* |

1. Pursuant to WAC 480-07-370(1)(d)(ii), Boise White Paper, L.L.C. (“Boise”) files this motion for permission to reply to “Pacific Power’s Response in Opposition to Motion to Strike” (“Response”), filed on November 25, 2014. Permission to reply is appropriate because the Response raises new material requiring a reply, and Boise will shed additional light on matters asserted by Pacific Power & Light Company (“PacifiCorp” or the “Company”) in the Response, especially in regard to prejudicial considerations and the valid legal basis for Boise’s Motion to Strike. Attached to this Motion, Boise files its proposed reply (“Reply”) with the Washington Utilities and Transportation Commission (the “Commission”).
2. First, the Reply is justified because PacifiCorp raises new factual allegations in the Response, including statements made in the Declaration of Cindy A. Crane in Support of Pacific Power’s Response in Opposition to Motion to Strike (“Declaration”), which accompanies the Response. Some factual assertions made in the Declaration are entirely new to these proceedings—including details pertaining to PacifiCorp’s coal supply updates not disclosed by Ms. Crane in her rebuttal testimony, and which are highly relevant to Boise’s Motion to Strike. Thus, the Reply is appropriate under the express terms of WAC 480-07-370(1)(d)(ii), given that Boise addresses this new material therein.
3. Second, the Reply also addresses the existence of prejudice and acute mischaracterizations made by the Company as to the legal basis stated by Boise in the Motion to Strike—thereby shedding additional light on relevant Commission standards and other matters asserted in the Response. Accordingly, good cause exists for the Commission to grant permission for the Reply.[[1]](#footnote-1)/ For example, the Company alleges that Boise “relies on cases that are inapplicable.”[[2]](#footnote-2)/ Yet, as demonstrated in the Reply, PacifiCorp cites to the same cases originally relied upon by Boise, in support of the Company’s legal arguments in the Response.[[3]](#footnote-3)/ Further, the Reply demonstrates that prejudice does exist against Boise and all other parties, based on the untimely and unprecedented nature of NPC updates in these proceedings.[[4]](#footnote-4)/
4. For the foregoing reasons, Boise respectfully requests that the Commission grant permission for the filing of the attached Reply.

Dated in Portland, Oregon, this 4th day of December, 2014.

Respectfully submitted,

DAVISON VAN CLEVE, P.C.

*/s/ Jesse E. Cowell*

Melinda J. Davison

Jesse E. Cowell

333 S.W. Taylor, Suite 400

Portland, Oregon 97204

(503) 241-7242 telephone

(503) 241-8160 facsimile

mjd@dvclaw.com

jec@dvclaw.com

Of Attorneys for Boise White Paper, L.L.C.

1. / See In Re the Six-Month Review of Quest Corp.’s Performance Assurance Plan, Docket No. UT-033020, Order 06 at ¶¶ 5-6 (Feb. 4, 2004). [↑](#footnote-ref-1)
2. / Response at ¶13. [↑](#footnote-ref-2)
3. / Reply at ¶16. [↑](#footnote-ref-3)
4. / Id. at ¶¶ 3-10. [↑](#footnote-ref-4)