

BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

AVISTA CORPORATION,

Respondent

DOCKETS UE-240006 & UG-240007
(Consolidated)

COMMISSION STAFF’S MOTION
FOR LEAVE TO FILE REVISED
CROSS-ANSWERING TESTIMONY
OF JOHN D. WILSON

I. INTRODUCTION

1 Pursuant to WAC 480-07-375(1)(d) and 480-07-460(a)(1)(i), Commission Staff respectfully requests leave to revise its cross-answering testimony originally filed on August 16, 2024, with the Revised Cross-Answering Testimony of John D. Wilson.

II. FACTUAL BACKGROUND

2 On January 18, 2024, Avista Corporation (hereinafter Avista or Company) filed with the Utilities and Transportation Commission (Commission) a General Rate Case (GRC) seeking authorization to increase the rates it charges to its electric and natural gas customers.¹ In support of this filing, Avista filed testimony and exhibits from multiple Company witnesses. The matter was suspended for adjudication and two filings (electric and natural gas) were consolidated.²

3 In the prehearing conference order, Administrative Law Judge Brown set out the procedural schedule for this matter, including dates for when Commission Staff (Staff) and other

¹ *Wash. Utils & Transp. Comm’n v. Avista Corp.*, Dockets 240006 & 240007, Order 01, ¶ 1 (Feb. 27, 2024).

² *Wash. Utils & Transp. Comm’n v. Avista Corp.*, Dockets 240006 & 240007, Order 01, ¶¶ 18-24 (Feb. 27, 2024).

parties must file response, cross-answering, and rebuttal testimony.³ On August 15, 2024, the Commission issued a policy statement in Docket No. U-230161 that discussed the Commission’s approach to Climate Commitment Act (CCA) costs.⁴ Pursuant to the procedural schedule, Staff filed its cross-answering testimony and accompanying exhibits on August 16, 2024, incorporating the Commission’s policy statement on the CCA.⁵ On August 19, 2024, the Commission rescinded the CCA policy statement.⁶ Staff’s testimony, as filed on August 16th, includes a section largely dedicated to discussing the policy statement and several other references to this policy statement. Staff’s testimony on this matter was sponsored by a consultant who was out of the office on a pre-planned vacation the week the policy statement was rescinded. As such, Staff was unable to make the corrections to testimony until the week of August 26, 2024. Staff brings this present motion for leave to amend the testimony to remove reference and testimony regarding the CCA policy statement from Staff witness Wilson’s testimony.

III. COMMISSION STAFF’S MOTION

4 Under WAC 480-07-460(1)(a)(i), a party may submit substantive revisions to prefiled testimony or exhibits only after receiving leave from the presiding officer. WAC 480-07-460(1)(b) requires that a party submit a motion for revised or supplemental testimony as soon as

³ *Wash. Utils & Transp. Comm’n v. Avista Corp.*, Dockets 240006 & 240007, Order 02, Appendix A (Feb. 27, 2024).

⁴ *In the Matter of the Proceeding to Develop a Policy Statement Addressing the Impacts of the Climate Commitment Act*, Docket U-230161, Policy Statement Addressing the Issues and Impacts of the Climate Commitment Act (Aug. 15, 2024).

⁵ *Wash. Utils & Transp. Comm’n v. Avista Corp.*, Dockets 240006 & 240007, Order 02, Appendix A (Feb. 27, 2024).

⁶ *In the Matter of the Proceeding to Develop a Policy Statement Addressing the Impacts of the Climate Commitment Act*, Docket U-230161, Notice Rescinding Policy Statement (Aug. 19, 2024).

practicable after discovering the need for such revision or supplementation.⁷ In considering such motions, the Commission has generally examined the timing of such motions, the prejudice to any other parties, and whether accepting such testimony will disrupt the procedural schedule of the case.⁸

5 Leave to amend is warranted here. Staff’s proposed errata contains substantive changes, as it removes a substantial portion of a section of testimony, edits other sections, and adds minimal language to clearly communicate the material left after the amendment. The reason for this substantive change is the Commission’s withdrawal of the policy statement, which formed a substantial basis for the testimony being withdrawn. When Staff learned that the CCA policy statement was rescinded, Staff was unable to immediately file revisions due to Staff’s consultant’s pre-planned leave, and the inability of other Staff to make the necessary adjustments to the testimony. Staff is promptly submitting this motion and accompanying amended testimony after the return of necessary relevant Staff from leave.

6 The errata will not prejudice any party in its review of cross-answering testimony. Indeed, this amendment does not add new information, but rather removes testimony that is no longer relevant since the Commission has rescinded the CCA policy statement. The new version of the testimony does result in some reorganization, as some of the information from the deleted section on the policy statement was preserved as its relevance persisted, but this information was not meaningfully altered and is substantially the same as that in the original additions. The errata will also not impact the procedural schedule as Staff is not requesting any shifting of deadlines.

⁷ Though the WAC only lists supplemental or revised exhibits as requiring such haste, the Commission has generally treated this rule as applying to all motions for supplemental or revised testimony. *See, e.g., WUTC v. Cascade Natural Gas Corp.*, Docket UG-210755, Order 04 at ¶ 6 (Dec. 17, 2021).

⁸ *Id.* at ¶ 7.

7 Permitting the admission of this errata is in the public interest because it provides a more accurate and complete record before the Commissioners. The current version of Staff’s cross-answering testimony from witness Wilson contains irrelevant information that can only lead to confusion in the record. The public interest leans in favor of correcting this so that the Commissioners may conduct a thorough examination of the record before them and be certain that the decision they make is based on upon the foundation of correct and relevant evidence.

IV. CONCLUSION

8 For the reasons listed above, Staff respectfully requests that the Commission grant its motion for leave to file the Revised Cross-Answering Testimony of John D. Wilson and have such testimony be treated in the same manner of as the rest of Staff’s prefiled testimony in this proceeding.

DATED this 29th day of August 2024.

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