

BEFORE THE

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,)	DOCKET NO. UE-080220
)	
Complainant,)	MOTION TO GRANT THE PETITION
)	TO INTERVENE OF THE
v.)	INDUSTRIAL CUSTOMERS OF
)	NORTHWEST UTILITIES
)	
PACIFICORP d/b/a PACIFIC POWER & LIGHT COMPANY,)	EXPEDITED CONSIDERATION
)	REQUESTED
)	
Respondent.)	
)	

I. INTRODUCTION

1 Pursuant to WAC § 480-07-355 and 375, the Industrial Customers of Northwest Utilities (“ICNU”) hereby moves the Washington Utilities and Transportation Commission (“WUTC” or “Commission”) to immediately grant its petition to intervene in the above-referenced Docket, as an intervenor with full party status as described in WAC § 480-07-340. ICNU requests its intervention be granted immediately so that it can initiate discovery prior to the prehearing conference. ICNU also requests expedited consideration of this motion because the prehearing conference is scheduled to on March 26, 2008.

II. BACKGROUND

2 PacifiCorp filed this general rate case and accompanying testimony and exhibits on February 6, 2008. On February 5, 2008, immediately prior to filing its general rate case, PacifiCorp turned down a request that it provide ICNU with informal

discovery responses. ICNU filed its notice of appearance and petition to intervene on February 19, 2008.

3 On February 20, 2008, ICNU submitted its first set of data requests to PacifiCorp. ICNU requested that PacifiCorp provide its responses in ten (10) business days (Tuesday, March 4, 2008), the standard time for data responses under the Commission's rules. WAC § 480-07-405. On February 20, 2008, counsel for PacifiCorp asked for an additional six (6) business days to respond to the discovery, giving PacifiCorp until March 12, 2008 to respond. ICNU's legal counsel agreed to the additional time. On February 22, 2008, counsel for PacifiCorp contacted ICNU's counsel and stated that PacifiCorp will not respond until ten (10) days after ICNU is granted party status. If ICNU is granted party status at the prehearing conference on March 6, 2008, then PacifiCorp would not be required to respond to ICNU's data requests until March 20, 2008.

III. MOTION

4 ICNU requests that the Commission immediately grant it party status so that it can have full discovery rights. PacifiCorp is unwilling to voluntarily respond to informal discovery prior to ICNU being granted full party status; thus, ICNU requests that the Commission grant ICNU's petition to intervene on an expedited basis to allow ICNU to ask for formal discovery. ICNU needs to commence discovery in this proceeding because of the complex nature of the power cost issues in this proceeding and the press of business in other proceedings.

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5 The Commission's discovery rules do not allow formal discovery until a party has been granted formal party status and the discovery rules have been invoked. See WAC § 480-07-405. The Commission already invoked the discovery rule in this proceeding. PacifiCorp v. WUTC, Docket No. UE-080220, Order No. 1 (Feb. 14, 2008). However, ICNU's petition to intervene has not been granted, and ICNU is not yet a party that can request formal data requests.

6 The Commission's rules do not address informal discovery, but other Washington utilities routinely engage in informal discovery prior to the prehearing conference. ICNU itself has had little difficulty in obtaining informal discovery from utilities other than PacifiCorp.

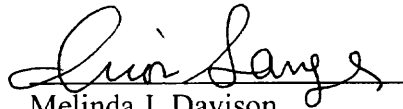
7 The Commission should immediately grant ICNU's petition to intervene because there is no dispute that ICNU will be granted party status in this proceeding. ICNU has participated in all of PacifiCorp's recent major Washington proceedings, including the Company's most recent rate cases (Docket Nos. UE-991832, UE-032065, UE-050684, UE-060669, and UE-061546), and merger and restructuring proceedings (Docket No. UE-981627, UE-001878, UE-020319, UE-051090, and UE-060817). As explained in ICNU's petition to intervene, ICNU has a direct and substantial interest in this proceeding that will not be adequately represented by any other party, and may be affected by any Commission determination made in connection with this proceeding.

WHEREFORE, ICNU respectfully moves the Commission to immediately grant its petition to intervene in this proceeding.

Dated this 22nd day of February 2008.

Respectfully submitted,

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