

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION
COMMISSION,

Complainant,

v.

AVISTA CORPORATION, d/b/a
AVISTA UTILITIES,

Respondent.

DOCKETS UE-160228 and UG-160229

PUBLIC COUNSEL AND THE
ENERGY PROJECT'S RESPONSE TO
STAFF'S MOTION TO STRIKE, OR
ALTERNATIVE MOTION FOR
SURREBUTTAL

1. Public Counsel and The Energy Project support Commission Staff's Motion to Strike Avista's rebuttal testimony concerning deferred accounting treatment for its advanced metering infrastructure (AMI) costs. This response does not repeat the sections of testimony that should be stricken, but rather refers to, and incorporates by references, Staff's Motion to Strike.

2. If Staff's Motion to Strike is denied, Public Counsel and The Energy Project support Staff's alternative Motion for Surrebuttal. Avista's new proposal presented in rebuttal leaves parties without an adequate opportunity to respond. Although parties may cross Avista's witnesses with respect to the proposal to defer AMI costs, parties are not able to present their point of view or critique of the proposal. Parties are also not able, at this stage of the proceeding, to present alternative proposals or recommendations in response to Avista's proposals. As a result, surrebuttal is appropriate, if the late-offered proposal is not stricken.

3. Staff's proposal of either oral or written surrebuttal provides parties the opportunity to respond to Avista's proposal. Public Counsel and The Energy Project propose that parties be

given the opportunity for oral surrebuttal at the evidentiary hearing beginning on October 12, 2016, as this would be most efficient. In the alternative, parties should be granted the opportunity for written surrebuttal one week after the hearing concludes.

4. DATED this 5th day of October, 2016.

ROBERT W. FERGUSON
Attorney General



LISA W. GAFKEN
Assistant Attorney General
Public Counsel Unit Chief

Attorney at Law



*for Mr. Roseman per
telephonic authorization.*

RONALD ROSEMAN
Attorney for The Energy Project