

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND	)	DOCKET UE-100749
TRANSPORTATION COMMISSION,	)	
	)	
Complainant,	)	
	)	NOTICE OF PROCESS AND NOTICE
v.	)	OF TELEPHONIC PREHEARING
	)	CONFERENCE
PACIFICORP d/b/a PACIFIC POWER	)	(Set for July 7, 2011, 9:30 a.m.)
& LIGHT COMPANY,	)	
	)	
Respondent.	)	
	)	
.....	)	

1 **BACKGROUND.** By Order 06 entered in this case on March 25, 2011, the Washington Utilities and Transportation Commission (Commission) concluded that Renewable Energy Credit (REC) benefits should go to the ratepayers of PacifiCorp d/b/a Pacific Power & Light Company (PacifiCorp or Company).<sup>1</sup> However, the Commission found that the record in this proceeding was not sufficient to make all the necessary determinations regarding the amount of RECs that should be returned to ratepayers, various accounting issues, and the precise rate treatment of REC proceeds.<sup>2</sup> Accordingly, the Commission required the Company to file, within 60 days, a detailed accounting of REC proceeds received during periods after the test year and a detailed proposal for operating a tracking mechanism going forward. The Commission concluded that it will require additional briefing on this topic and may require additional evidence but that the specific process and schedule would be established by subsequent notice.<sup>3</sup>

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<sup>1</sup> Order 6, Final Order, at ¶¶ 199 – 200 (March 25, 2011).

<sup>2</sup> *Id.* at ¶ 201.

<sup>3</sup> *Id.* at ¶ 207.

2 On May 24, 2011, the Company filed the required documents. The Commission Staff<sup>4</sup> filed comments on the Company's proposal as well as an alternative proposal. The Industrial Customers of Northwest Utilities (ICNU) and the Public Counsel Section of the Office of the Attorney General (Public Counsel) requested discovery and additional time to file comments and alternative proposals.

3 **DISCOVERY.** Public Counsel requested that the Commission allow formal discovery on the REC filings. This request is moot. By Order 01, entered May 12, 2010, the Commission determined that this proceeding meets the criteria in WAC 480-07-400(2)(b) and that discovery would be conducted pursuant to the Commission's discovery rules in WAC 480-07-400. While the Commission concluded that it would resolve the issue of the appropriate treatment of REC revenues separate from the other issues in the general rate proceeding, it did so in the same docket. Accordingly, formal discovery is already available in this case.

4 **PROCESS.** The Commission has reviewed the filings by PacifiCorp, Commission Staff, ICNU, and Public Counsel and concludes that resolution of the issues presented in these filings requires additional evidence. Therefore, the Commission will require the parties to submit prefiled testimony and exhibits and this matter will be heard under the Administrative Procedure Act (APA), particularly Part IV of RCW 34.05 relating to adjudications.

5 As stated in Order 06, the Commission requires additional briefing in this case. However, the Commission will not schedule that briefing until it has received input from all parties regarding the timing of that briefing.

6 **PROPOSED SCHEDULE.** A proposed procedural schedule is attached as Appendix A.

7 **THE COMMISSION GIVES NOTICE That it will hold a telephonic prehearing conference in this matter at 9:30 a.m., on Thursday, July 7, 2011, in Room 108, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. Parties may participate in the telephonic prehearing conference by**

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<sup>4</sup> In formal proceedings, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of the proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. See RCW 34.05.455.

**calling the Commission's bridge line at (360) 664-3846 approximately five (5) minutes before the prehearing conference is scheduled to convene.**

8 The purpose of the prehearing conference is to receive input from the parties on two issues: (1) the timing of legal briefing, and (2) the proposed procedural schedule.

9 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440.**

10 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective June 21, 2011.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

PATRICIA CLARK  
Administrative Law Judge

## APPENDIX A

*PROPOSED PROCEDURAL SCHEDULE*

## DOCKET UE-100749

EVENT	DATE
Company Direct Testimony and Exhibits	August 8, 2011
Staff, Public Counsel and Intervenor Responsive Testimony and Exhibits	September 8, 2011
Company Rebuttal Testimony and Exhibits Staff, Public Counsel and Intervenor Cross-Answering Testimony and Exhibits	September 22, 2011
Discovery Deadline – Last day to issue Data Requests	September 29, 2011 <sup>5</sup>
Deadline for Cross-examination Exhibits	October 7, 2011
Evidentiary Hearing	October 17, 2011
Simultaneous Post-hearing Briefs	November 1, 2011

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<sup>5</sup> Responses to data requests on rebuttal and cross-answering testimony are due within five business days, or no later than October 6, 2011.