

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

WASHINGTON UTILITIES AND)	DOCKET UE-100749
TRANSPORTATION COMMISSION,)	
)	ORDER 08
Complainant,)	
)	
v.)	
)	PREHEARING CONFERENCE
PACIFICORP D/B/A PACIFIC)	ORDER
POWER & LIGHT COMPANY,)	(Evidentiary Hearing set for
)	October 18, 2011)
Respondent.)	
)	
.....)	

1 **NATURE OF PROCEEDING:** On May 4, 2010, PacifiCorp d/b/a Pacific Power & Light Company (PacifiCorp or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff WN U-74. By Order 06, entered March 25, 2011, the Commission resolved all issues in this proceeding except for certain issues regarding the appropriate ratemaking treatment of Renewable Energy Credits (RECs). The Commission concluded that REC benefits should go to PacifiCorp’s ratepayers, but bifurcated the remaining issues to a separate phase of this proceeding after it had obtained additional evidence in the record. 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.

2 On May 24, 2011, the Company timely filed the required documents and the Commission’s regulatory staff (Commission Staff or Staff)¹ timely filed comments on the Company’s proposal as well as an alternative proposal. The Industrial Customers

¹ 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.

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.²

3 By Notice issued June 21, 2011, the Commission scheduled a telephonic prehearing conference to receive input from the parties on two issues: (1) the scope and timing of legal briefing, and (2) the proposed procedural schedule attached to the Notice.

4 **CONFERENCE.** The prehearing conference convened, as scheduled, at Olympia, Washington, on July 7, 2011.

5 **APPEARANCES:** Katherine A. McDowell, McDowell, Rackner, & Gibson, PC, Portland, Oregon, appeared on behalf of PacifiCorp. Donald T. Trotter, Assistant Attorney General, Olympia, Washington, appeared for Commission Staff. Irion Sanger, Davison Van Cleve, P.C., Portland, Oregon, appeared for ICNU. Art Butler, Seattle, Washington, appeared on behalf of Wal-Mart Stores Inc., and Sam's West, Inc. (Wal-Mart). Sarah Shifley, Assistant Attorney General, Seattle, Washington, appeared for Public Counsel. Prior to the prehearing conference, Brad Purdy, Boise, Idaho, advised the Commission that The Energy Project would not participate in the prehearing conference.

6 **PROCEDURAL SCHEDULE.** During the prehearing conference, the parties expressed a preference for post-hearing briefing on all the legal issues raised in this proceeding. The Commission concludes that the parties' proposal would aid the Commission in resolving the legal issues associated with the ratemaking treatment of REC revenues and adopts the proposal.

7 The parties also provided input on the proposed procedural schedule attached to the Notice of Process and Notice of Telephonic Prehearing Conference. Having taken into consideration the input from the parties, the Commission adopts the procedural schedule set forth in Appendix A to this Order.

² In the Notice of Process and Notice of Telephonic Prehearing Conference issued June 21, 2011, the Commission reminded the parties that in Order 01 entered in this case on 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.

8 *Cross-Examination Exhibits.* According to WAC 480-07-460(1), the Commission may require the parties to predistribute their cross-examination exhibits. It has been the Commission's practice to require the predistribution of cross-examination exhibits and to establish a deadline for that predistribution. The Commission continues this practice for this phase of this proceeding. However, the parties will *not* be required to prefile cross-examinations exhibits in both hard copy and electronic format prior to the hearing. Instead, the parties will be required to *submit*, by the deadline in Appendix A, to the Commission's Record Center, **six (6) copies** of all cross-examination exhibits. At the conclusion of the hearing, the Commission will establish a deadline for the parties to file both hard copies and electronic copies of the predistributed cross-examination exhibits.

9 **NOTICE OF HEARING.** The Commission will hold an evidentiary hearing in this matter beginning **October 18, 2011**, at 9:30 a.m., in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.

10 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** As noted during the prehearing conference, document preparation and filing requirements of all documents except cross-examination exhibits must conform to requirements in Paragraphs 17 through 21 of Order 04, Prehearing Conference Order, entered June 17, 2010.

11 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective July 8, 2011.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

PATRICIA CLARK
Administrative Law Judge

**APPENDIX A
PROCEDURAL SCHEDULE
DOCKET UE-100749**

<u>EVENT</u>	<u>DATE</u>
Company Direct Testimony and Exhibits	August 8, 2011
Staff, Public Counsel and Intervenor Responsive Testimony and Exhibits	September 9, 2011 ³
Company Rebuttal Testimony and Exhibits Staff, Public Counsel and Intervenor Cross-Answering Testimony and Exhibits	September 30, 2011
Discovery Deadline – Last day to issue Data Requests	October 6, 2011
Deadline to <i>Submit</i> Cross-examination Exhibits	October 13, 2011
Evidentiary Hearing	October 18, 2011
Simultaneous Post-hearing Briefs	November 4, 2011

³ After **September 9, 2011**, responses to data requests are due five (5) business days after the request.