

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

In the Matter of the Petition of)	DOCKET NO. UE-050605
)	
PacifiCorp,)	ORDER NO. 01
)	
Petitioner,)	
)	
Seeking temporary exemption from)	
the provisions of WAC 480-107-060)	
(2)(a) relating to bid solicitation in)	ORDER GRANTING
conjunction with request for)	TEMPORARY EXEMPTION
proposals (RFP))	FROM WAC 480-107-060 (2)(a)
.....)	

BACKGROUND

- 1 On April 18, 2005, PacifiCorp Corporation d/b/a PacifiCorp Utilities (PacifiCorp or the Company) filed a petition requesting temporary exemption from WAC 480-107-060 (2)(a).

- 2 WAC 480-107-060 (2)(a) requires electric companies to file a draft Request for Proposal (RFP) within ninety days of filing their final Least Cost Plan (LCP). PacifiCorp filed its LCP on January 20, 2005. The company asks for this exemption to be extended until July 20, 2005, on the grounds that the challenges of complying with the requirements of all its jurisdictions make simultaneous, timely filings administratively burdensome.

- 3 PacifiCorp intends to file its draft RFP on a simultaneous basis with three commissions: Washington, Oregon, and Utah. This is the first time PacifiCorp has attempted filing a single draft consistent with the requirements of each jurisdiction. In particular, as this will be the first attempt by any company to accommodate Utah's new procurement policy SB-26, PacifiCorp judges that filing delays are anticipated.

- 4 The company intends to file a compliance product within 90-days from the date required by Rule. They claim that this should allow for the reasonable possibility of delays due to their complex filing environment. PacifiCorp assured Staff that it is in the process of drafting the RFP and has committed to holding pre-draft RFP sessions with potential bidders, to elicit advice in this process. Subsequently, on June 14, 2005, PacifiCorp held a bidders workshop for information gathering.
- 5 Commission Staff reviewed the request and recommended granting PacifiCorp's request for temporary exemption, subject to the following condition(s): that the Company file a draft RFP no later than July 20, 2005.

FINDINGS AND CONCLUSIONS

- 6 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate rates, rules, regulations, practices, accounts, securities, and transfers of public service companies, including electric companies. *RCW 80.01.040; Chapter 80.04 RCW and Chapter 80.28 RCW.*
- 7 (2) PacifiCorp is engaged in the business of providing electric services within the state of Washington and is a public service company subject to the jurisdiction of the Commission under the provisions of Chapter 80.28 RCW.
- 8 (3) PacifiCorp is subject to the provisions of WAC 480-107-060; requiring electric companies to file their draft RFP with the Commission within ninety days of the electric utility's filing of its final Least Cost Plan.
- 9 (4) WAC 480-107-170 (3) provides that the Commission may grant an exemption from the provisions of any rule in Chapter 480-107 WAC, if

consistent with the public interest, the purposes underlying regulation and applicable statutes.

- 10 (5) This matter was brought before the Commission at its regularly scheduled meeting on June 29, 2005.
- 11 (6) After review of the petition filed in Docket UE-050605 by PacifiCorp on June 29, 2005, and giving due consideration, the Commission finds that the temporary exemption is reasonable and should be granted.

ORDER

THE COMMISSION ORDERS:

- 12 (1) After the effective date of this Order, PacifiCorp Corporation d/b/a PacifiCorp Utilities is granted an exemption from WAC 480-107-060(2)(a), The commission may grant such exemptions to these rules as may be appropriate in individual cases.
- 13 (2) This temporary exemption is subject to the following condition(s). The Company shall file a draft RFP no later than July 20, 2005.
- 14 (3) The Commission retains jurisdiction over the subject matter and PacifiCorp Corporation d/b/a PacifiCorp Utilities to effectuate the provisions of this Order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

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DATED at Olympia, Washington, and effective this 29th day of June, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary