

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

PACIFIC POWER & LIGHT  
COMPANY,

Respondent.

DOCKET UE-161204

ORDER 01

ORDER GRANTING PETITIONS TO  
INTERVENE

**BACKGROUND**

- 1 On November 14, 2016, Pacific Power & Light Company (Pacific Power or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff WN U-75, Rule 1 – General Rules and Regulations; Rule 4 – Application for Electric Service; Rule 6 – Facilities on Customer’s Premises; and Schedule 300 – Charges as Defined by the Rules and Regulations. The Company requests approval of modifications to its permanent disconnection and removal procedures for customers who disconnect service to receive electric service from another energy provider.
- 2 On December 15, 2016, the Columbia Rural Electric Association (CREA) filed a petition to intervene in this proceeding. CREA is a nonprofit electric cooperative that operates in the same geographic area as Pacific Power operates. The companies do not have an exclusive service territory agreement. CREA argues that it has a substantial interest in this proceeding because Pacific Power is requesting net removal tariff revisions based on CREA’s “alleged electric power market actions,” thus placing CREA’s market practices at issue. CREA notes that an unregulated entity was recently granted intervenor status on similar grounds.<sup>1</sup>

---

<sup>1</sup> In Dockets UE-151871 and UG-151872, the Commission found that two HVAC associations had a substantial interest in the subject matter of the proceeding, which placed the adequacy of the HVAC equipment market squarely at issue. *WUTC v. Puget Sound Energy*, Dockets UE-151871 and UG-151872, Order 02 ¶¶9-11 (January 7, 2016).

3 CREA also asserts that permitting its intervention would be in the public interest, and  
notes that the Commission allowed CREA to intervene in Pacific Power proceedings to  
address similar issues on two prior occasions consistent with the public interest standard.

4 On December 16, 2016, Yakama Power filed a Petition to Intervene. Yakama Power is a  
nonprofit electric utility owned by the Yakama Nation that currently provides utility  
services to customers located within the boundaries of the Yakama Indian Reservation.  
Yakama Power's service area is generally intermingled with Pacific Power's service  
territory, and the companies do not have an exclusive service territory agreement.  
Yakama Power asserts that it has a substantial interest in the proceeding similar to  
CREA's, but in the unique context of land ownership within Indian reservation  
boundaries.

5 On December 20, 2016, the Commission convened a prehearing conference in this docket  
to discuss procedural matters, including petitions to intervene filed by CREA, Yakama  
Power, Boise White Paper, L.L.C. (BWP), and The Energy Project.<sup>2</sup> Pacific Power  
objected to the petitions filed by CREA and Yakama Power, arguing that neither has a  
substantial interest in this proceeding because they are Pacific Power's competitors, not  
its customers. Pacific Power noted that it disagrees with previous Commission decisions  
allowing CREA's participation.

6 Commission staff (Staff) and Public Counsel supported both petitions for intervention,  
but expressed concerns about potentially broadening the scope of the proceeding, the  
companies' cooperation with discovery, and protecting Pacific Power's confidential  
information from its competitors.

### **DISCUSSION**

7 We grant CREA's and Yakama Power's petitions to intervene. The Administrative  
Procedure Act (APA) states that a presiding officer may grant a petition to intervene in an  
adjudication "upon determining that the petitioner qualifies as an intervenor under any  
provision of law and that the intervention sought is in the interests of justice and will not

---

<sup>2</sup> No party objected to the petitions to intervene filed by BWP and The Energy Project. Based on  
the Commission's finding that BWP and The Energy Project have a substantial interest in this  
proceeding, those petitions were granted.

impair the orderly and prompt conduct of the proceedings.”<sup>3</sup> Commission rules provide the presiding officer with discretion to grant intervention “[i]f the petition discloses a substantial interest in the subject matter of the hearing or if the petitioner’s participation is in the public interest.”<sup>4</sup> In addition, “the presiding officer may impose conditions upon the intervenor’s participation in the proceedings.”<sup>5</sup>

8 While neither CREA, nor Yakama Power has a direct and substantial interest in Pacific Power’s charges to its customers, we find that their participation will assist the Commission with making a full and fair determination consistent with its duty to regulate in the public interest.

9 As we noted in Docket UE-001734, Pacific Power’s proposed changes to its net removal tariff will occur in the context of competition among neighboring utilities, and Pacific Power’s customers are impacted by this broader context.<sup>6</sup> Accordingly, both CREA’s and Yakama Power’s participation supports the public interest because it may help us determine the effects of the proposed tariff revisions on Pacific Power’s customers.

10 Moreover, CREA’s participation serves the Commission’s interest in fully developing the record here just as it did when we granted CREA’s petition to intervene in Pacific Power’s general rate case solely to address the Company’s net removal tariff, which is the only matter at issue in this proceeding.<sup>7</sup> Yakama Power’s participation serves the same interest for the same reason.

11 To address Pacific Power’s concerns about competitive harm, we condition CREA’s and Yakama Power’s intervention on precluding those companies and their representatives from accessing any confidential information produced in this docket, either in filings with the Commission or through discovery.

---

<sup>3</sup> RCW 34.05.443(1).

<sup>4</sup> WAC 480-07-355(3).

<sup>5</sup> RCW 34.05.443(2); *accord* WAC 480-07-355(3).

<sup>6</sup> *WUTC v. PacifiCorp d/b/a Pacific Power & Light*, Docket UE-001734, Second Supplemental Order ¶33 (July 9, 2001).

<sup>7</sup> *WUTC v. PacifiCorp d/b/a Pacific Power & Light Company*, Docket UE-130043, Order 03 ¶6 (February 14, 2013).

- 12 We also note that the primary issue in this proceeding relates to the rates, terms, and conditions of the Company's proposed tariff filings. The Commission will not broaden the scope of the proceeding to address how those rates, terms, and conditions may affect the legal or property interests of the nonregulated utilities.
- 13 Finally, we note that both CREA and Yakama Power provided assurances at the prehearing conference that, as parties to this proceeding, they intend to cooperate fully with discovery requests propounded by other parties.

**ORDER**

**THE COMMISSION ORDERS:**

- 14 (1) Columbia Rural Electric Association's Petition to Intervene is GRANTED.
- 15 (2) Yakama Power's Petition to Intervene is GRANTED.

DATED at Olympia, Washington, and effective January 4, 2017

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

RAYNE PEARSON  
Administrative Law Judge

**NOTICE TO PARTIES: This is an Interlocutory Order of the Commission. Administrative review may be available through a petition for review, filed within 10 days of the service of this Order pursuant to WAC 480-07-810.**