

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

In the Matter of the Joint Application)	
of)	DOCKET NO. UE-051090
)	
MIDAMERICAN ENERGY)	ORDER NO. 05
HOLDINGS COMPANY AND)	
PACIFICORP, d/b/a PACIFIC)	
POWER & LIGHT COMPANY)	ORDER GRANTING EXTENSION
)	OF TIME
For an Order Authorizing Proposed)	
Transaction)	
.....)	

MEMORANDUM

- 1 **PROCEEDINGS:** On July 15, 2005, MidAmerican Energy Holdings Company (MidAmerican Holdings) and PacifiCorp, d/b/a Pacific Power & Light Company (PacifiCorp) filed with the Commission a joint application for an order authorizing proposed transaction. The transaction is MidAmerican Holdings' proposed purchase of PacifiCorp from Scottish Power.

- 2 The Commission conducted a prehearing conference on July 26, 2005, before Administrative Law Judge Dennis J. Moss. In Order No. 01, the Commission's prehearing conference order entered on July 27, 2005, the Commission established a procedural schedule that set November 14, 2005, as the date for response testimony from Staff, Public Counsel, and Intervenors.

- 3 **MOTION FOR EXTENSION OF FILING DATE:** On November 7, 2005, the Industrial Customers of Northwest Utilities (ICNU) filed its Motion for Extension of Time requesting that the date for response testimony be extended by one week, to November 21, 2005. ICNU's Motion states that the organization has no objection to a corresponding adjustment in the date for Applicants'

rebuttal testimony, from November 28, 2005, to December 5, 2005. ICNU requests, however, that the remaining procedural dates be retained.

- 4 ICNU states that it also is preparing testimony with respect to the PacifiCorp/MidAmerican application for merger approval now before the Oregon Public Utility Commission. ICNU's testimony in Oregon is due on November 21, 2005. ICNU states that "it is unlikely that ICNU's Response testimony and exhibits regarding the [joint application] in either jurisdiction will be completed prior to that date." ICNU argues that if it is given a one-week extension of time, it will be able to make a "more substantial" and "robust" contribution to the record in this proceeding.
- 5 On or before November 9, 2005, Staff, Public Counsel, the Energy Project, and Applicants, filed answers to ICNU's Motion. Staff states it will be ready to file its response case on November 14, 2005, but also states that Staff has no objection to ICNU's request.
- 6 Public Counsel states that it supports ICNU, but offers no argument.
- 7 The Energy Project supports ICNU and argues that the requested extension of time will "facilitate a careful presentation of its case," which the organization's chief witness will have to complete in two days because of conflicting obligations, if the extension is not granted.
- 8 Applicants oppose ICNU's Motion. Applicants argue that ICNU has had ample time to prepare its testimony and that the organization's alleged inability to meet the November 14, 2005, deadline is "inexplicable." Concerning ICNU's apparent desire to coordinate the preparation and filing of its testimony in this proceeding with its corresponding efforts in Oregon, Applicants argue that it is unclear why this would be warranted given the different statutory standards for approval of the proposed merger in Oregon and Washington.

9 Applicants also argue that they would be prejudiced by the suggested extension of time for filing rebuttal testimony until December 5, 2005, because they must file rebuttal in the Company's general rate case, Docket No. UE-050684 , only two days later, on December 7, 2005. The proposed revisions to the procedural schedule, Applicants argue, would prejudice their ability to respond effectively in both dockets.

10 **COMMISSION DETERMINATION:** The Commission finds good cause and concludes it should allow an extension of time to November 18, 2005, for parties to file response testimony. Relative to ICNU's proposed date, this will give Applicants the benefit of an additional business day to work on rebuttal testimony before the Thanksgiving holiday which falls during the week of November 21, 2005. Considering the intervening holiday, the date for rebuttal will be December 5, 2005.

11 The Commission's paramount interest in every case is to have the best possible record for decision. Unlike a proceeding in the Superior Court where failure to meet a procedural deadline might result in dismissal without a hearing, the Commission's obligation to regulate in the public interest requires that we proceed to a reasoned decision on the basis of a record that is complete and includes the best evidence that can be made available to us within a reasonable period of time. It appears from the parties' filings that ICNU and the Energy Project both will be able to present a superior work product if allowed an extension of time. ICNU will be able to coordinate its efforts in this docket with its overlapping efforts in Oregon. While the two cases will most likely differ in some respects, they are most likely to be identical in many respects. The Energy Project's witness, Mr. Ebert, will have more than two days to prepare his testimony, which will likely result in a more lucid presentation.

12 It does not appear that PacifiCorp will be prejudiced by the Commission granting brief extensions for the filing of response and rebuttal testimony in this docket. Response testimony in PacifiCorp's general rate case was filed on November 3, 2005, and the Company's rebuttal testimony is due on December 7, 2005. The witnesses in the two proceedings are different. It is unlikely that the total time required of legal, paralegal, and support personnel who are involved in both proceedings will be any different if Applicants receive response testimony in this docket on November 14, 2005 or November 21, 2005. The Commission regrets any logistical inconvenience that arises from this adjustment to the overlapping schedules of the two proceedings, but the Commission and the parties' interests in having the best possible record must take precedence.

ORDER

13 THE COMMISSION ORDERS That the procedural schedule in this proceeding is modified to require response testimony to be filed by November 18, 2005, and rebuttal testimony to be filed by December 5, 2005.

DATED at Olympia, Washington, and effective this 10th day of November, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS
Administrative Law Judge