

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,	DOCKET UE-190458
Complainant,	ORDER 04
v.	
PACIFIC POWER & LIGHT COMPANY,	PREHEARING CONFERENCE ORDER
Respondent.	

- 1 NATURE OF PROCEEDING.** On May 26, 2015, the Utilities and Transportation Commission (Commission) issued the final order in Docket UE-140762 (Order 09), authorizing Pacific Power & Light Company (Pacific Power or Company) to implement a Power Cost Adjustment Mechanism (PCAM). The PCAM allows for positive or negative adjustments to the Company's rates to account for fluctuations in power costs outside of an authorized band for power-cost recovery in base rates. Under the Settlement Stipulation approved by Order 09, Pacific Power is required to file by June 1 of each year a request to confirm the power costs of the prior calendar year and authority to defer any costs that exceed established thresholds under the PCAM.¹
- 2** On June 3, 2019, Pacific Power submitted its 2018 PCAM filing, including direct testimony and exhibits, as well as supporting workpapers. On July 15, 2019, Commission staff (Staff) filed a letter with the Commission stating that the parties participating in the review of the PCAM filing had agreed to extend the review period to November 22, 2019.² On October 24, 2019, the Commission issued Order 01 in this docket, suspending the PCAM filing. Also on October 24, 2019, the Commission directed Staff initiate a prudence investigation into the 2018 outage at the Colstrip Generating Station,³ which is co-owned by Pacific Power and other entities. The results of this investigation will affect

¹ Settlement Stipulation, Docket UE-140762, at ¶ 19.

² Order 09, at ¶ 20, allows for extension of the filing review period by agreement of the parties participating in the review, *i.e.*, Staff, the Public Counsel Unit of the Washington Attorney General's Office (Public Counsel), and Packaging Corporation of America.

³ See Docket UE-190882.

Pacific Power's 2018 PCAM filing, particularly regarding costs incurred to acquire replacement power.

3 **CONFERENCE.** The Commission convened a prehearing conference at Lacey, Washington, on November 21, 2019, before Administrative Law Judge Nelli Doroshkin.

4 **APPEARANCES.** Ajay Kumar of Pacific Power, and Katherine A. McDowell, of McDowell Rackner Gibson PC, Portland, Oregon, represent Pacific Power. Joe M. Dallas and Daniel J. Teimouri, Assistant Attorneys General, Lacey, Washington, represent Staff.⁴ Lisa W. Gafken and Nina Suetake, Assistant Attorneys General, Seattle, Washington, represent Public Counsel. Tyler C. Pepple and Brent L. Coleman, of Davison van Cleve, P.C., Portland, Oregon, represent the Packaging Corporation of America (PCA). Contact information for the representatives of those granted party status is attached as Appendix A to this Order.

5 **PETITION FOR INTERVENTION.** PCA timely filed a petition to intervene to which no party objected.⁵

6 Absent objections to PCA's petition, the Commission finds that PCA has established a substantial interest in this proceeding and that its participation will be in the public interest. Accordingly, the Commission grants PCA's petition to intervene.

7 **PROTECTIVE ORDER.** The Commission entered a protective order as Order 03 in this docket on October 29, 2019.

8 **DISCOVERY.** Order 01 provides that discovery will be conducted under the Commission's discovery rules, WAC 480-07-400 – 425. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution.

9 The Commission believes it will aid discovery in this case if all responses to data requests are shared with all parties. No party objects to the Commission making the exchange of data request responses with all parties a requirement for discovery in this

⁴ 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 this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

⁵ PCA's petition was initially filed under the name Boise White Paper, L.L.C.; on August 27, 2019, Boise White Paper, L.L.C. requested an update to the service list to reflect Boise's name change in this proceeding to "Packaging Corporation of America."

case. Accordingly, the Commission requires the parties to share every data request response with all parties, subject to any confidentiality limitations contained in Commission rule or the protective order issued in this docket.

10 **PROCEDURAL SCHEDULE.** The parties presented an agreed procedural schedule at the prehearing conference. The Commission adopts the parties' proposed procedural schedule, which is attached to this Order as Appendix B. As noted in Appendix B, Pacific Power must file a motion for leave to file supplemental testimony in this docket.

11 **DOCUMENT FILING AND SERVICE REQUIREMENTS.** Parties must file and serve all pre-filed materials in compliance with all of the following requirements:

- (a) Parties must submit electronic copies of all documents by 5 p.m. on the filing deadline established in the procedural schedule (or other deadline as applicable) unless the Commission orders otherwise. Parties must comply with WAC 480-07-140(6) in formatting, organizing, and identifying electronic files.
- (b) The Commission accepts only electronic versions of documents for formal filing. Parties must submit documents electronically through the Commission's web portal (www.utc.wa.gov/e-filing). If a party is unable to use the web portal to submit documents for filing, the Commission will accept a submission via email to records@utc.wa.gov, provided that the email: (1) explains the reason the documents are not being submitted via the web portal, and (2) complies with the requirements in WAC 480-07-140(5)(b).
- (c) Parties must also file **an original and three (3)** paper copies (with original signatures, if applicable) of the documents with the Commission by 5 p.m. on the next business day following the filing deadline established in the procedural schedule (or other deadline as applicable), unless the Commission orders otherwise. If any of the exhibits contain information designated as confidential or Company-confidential, parties must file an electronic copy of the redacted version in searchable PDF (Adobe Acrobat or comparable software) of each such exhibit. All hard copy filings must be mailed or otherwise delivered to the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 621 Woodland Square Loop SE, Lacey, Washington 98503.
- (d) Documents filed with the Commission must conform to the formatting and other requirements in WAC 480-07-395 and WAC 480-07-460, and must comply with the requirements in WAC 480-07-160 and the Protective Order

in this docket for documents that include information designated as confidential or Company-confidential.

- (e) Parties must electronically serve the other parties and provide courtesy electronic copies of filings to the presiding administrative law judge (nelli.doroshkin@utc.wa.gov) by 5 p.m. on the filing deadline unless the Commission orders otherwise. If parties are unable to email copies, they may furnish electronic copies by delivering them on a flash drive only.

12 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission has limited ability to provide dispute resolution services. If you wish to explore those services, please contact Rayne Pearson, Director, Administrative Law Division (360-664-1136).

13 **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 this Order, in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this docket, subject to Commission review.**

Dated at Lacey, Washington, and effective November 22, 2019.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Nelli Doroshkin
NELLI DOROSHKIN
Administrative Law Judge

**APPENDIX A
PARTIES' REPRESENTATIVES
DOCKET UE-190458**

PARTY	REPRESENTATIVE	PHONE	E-MAIL
Pacific Power & Light Company	Ajay Kumar Senior Attorney Pacific Power 825 NE Multnomah Street, Suite 2000 Portland, OR 97232	(503) 813-5161	ajay.kumar@pacificcorp.com
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Commission Staff	Joe M. Dallas Assistant Attorney General Office of the Attorney General Utilities and Transportation Division P.O. Box 40128 Olympia, WA 98504	(360) 664-1192	joe.dallas@utc.wa.gov
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Public Counsel	Lisa Gafken Assistant Attorney General Washington Attorney General's Office Public Counsel Unit 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188	(206) 464-6595	Lisa.Gafken@atg.wa.gov
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Packaging Corporation of America	Patrick Loupin Corporate Purchasing Manager – Energy P.O. Box 990050 Boise, ID 83799	(503) 241-7242	PatrickLoupin@packagingcorp.com
	Tyler C. Pepple Attorney Davison Van Cleve, P.C. 1750 SW Harbor Way, Suite 450 Portland, OR 97201		tcp@dvclaw.com
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	Bradley G. Mullins Consultant		brmullins@mwanalytics.com

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UE-190458**

EVENT	DATE
Pacific Power Files Supplemental Testimony ¹	[December 5, 2019]
Initial Settlement Conference	Monday, April 6, 2020
Deadline for Filing Status Report	Wednesday, May 6, 2020

¹ As the presiding administrative law judge explained at the November 21, 2019, prehearing conference, Pacific Power must seek leave from the Commission to file supplemental testimony in this docket. This event is noted in the procedural schedule for ease of reference only and should not be construed as an implicit grant of any such motion.