

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION
COMMISSION,

Complainant,

v.

AVISTA CORPORATION,

Respondent.

DOCKETS UE-240006 & UG-240007
(Consolidated)

PUBLIC COUNSEL’S MOTION FOR
LEAVE TO DISTRIBUTE
ADDITIONAL CROSS-
EXAMINATION EXHIBITS

I. INTRODUCTION

- I.* Pursuant to WAC 480-07-375(1)(d) and 480-07-460(1)(i), Public Counsel of the Washington State Attorney General’s Office (Public Counsel) respectfully requests leave to file an additional cross-examination exhibit for Joseph Miller an Avista Corporation (Avista or Company) witness. Public Counsel previously filed the proposed cross-examination exhibits and exhibits lists on September 16, 2024, to the Washington Utilities and Transportation Commission (Commission). The request to revise our cross-examination exhibits of Joseph Miller has been discussed with the Company and served to the intervening parties on September 25, 2024. After notifying all interested parties, Public Counsel’s request has not received a notice of an objection, although AWEC conditioned its non-objection on the availability of Mr. Miller at the hearing. Public Counsel has confirmed Mr. Miller will be available, and thus is not prejudice to any of the parties.

II. RELIEF REQUESTED

2. Public Counsel hereby moves the Commission for leave to distribute a limited number of additional cross-examination exhibits on September 26, 2024, which is after the deadline set in the Prehearing Conference Order No. 02, which was on September 16, 2024.¹

III. ARGUMENT

3. WAC 480-07-460(1)(a)(i) allows parties to revise their exhibits with leave from the presiding officer. WAC 480-07-460(1)(b) requires that, “a party must file with the commission and serve all other parties with a motion to make substantive changes to any prefiled exhibits as soon as practicable after discovering the need to make that change.” In considering such motions, the Commission has generally examined the timing of such motions, the prejudice to any other parties, and whether accepting such testimony will disrupt the procedural schedule of the case.
4. The Commission should give Public Counsel leave to introduce an additional proposed cross-examination exhibit to expand the record. This agreement will allow Public Counsel to withdraw its time estimate for Mr. Miller, which was proposed in our Cover Letter submitted with the original cross-examination exhibits.²
5. Public Counsel believes there is a good cause for a short extension of time after conferring with Avista the proposed cross-examination exhibit will expedite the time needed to cross Mr. Miller. And granting leave to revise will avoid requiring Mr. Miller to answer the questions during cross-examination, which is less burdensome and more efficient administratively.

¹ *Wash. Utils. & Transp. Comm’n v. Avista Corp.* Docket UE-240006 & UG-240007 (Consolidated) Order 02 (Feb. 27, 2024).

² Public Counsel Cover Letter (filed Sept. 16, 2024).

IV. CONCLUSION

6. For the reasons listed above, Public Counsel respectfully requests that the Commission grant its motion for leave to file one additional proposed cross-examination exhibit for Avista's witness Mr. Miller.

DATED this 26th, day of September 2024.

ROBERT W. FERGUSON
Attorney General

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