

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND)	
TRANSPORTATION COMMISSION,)	
)	DOCKET NO. UE-032065
Complainant,)	
)	
v.)	ORDER NO. 02
)	
PACIFICORP d/b/a PACIFIC POWER)	
& LIGHT COMPANY)	PREHEARING CONFERENCE
)	
Respondent.)	
.....)	

1 **PROCEEDINGS:** On December 16, 2003, PacifiCorp d/b/a Pacific Power & Light Company (“PacifiCorp” or the “Company”) filed with the Commission revisions to its currently effective Tariff WN U-74, designated as set forth in paragraph 1 of the Commission’s Complaint and Order No. 01 in this proceeding. The stated effective date is January 16, 2004. PacifiCorp requests an increase in annual revenues from Washington operations of \$26.7 million, resulting in a proposed uniform increase in rates of 13.5 percent. The filing is based on a test period consisting of the twelve months ending March 31, 2003. The Commission entered its Complaint and Order Suspending Tariff Revisions on January 14, 2004. The Commission conducted a prehearing conference on January 26, 2004, before Administrative Law Judge Dennis J. Moss.

2 **PARTY REPRESENTATIVES:** James M. Van Nostrand and Stephen C. Hall, Stoel Rives LLP, Seattle, Washington, and Portland Oregon, respectively, represent PacifiCorp. Melinda Davison, S. Bradley Van Cleve, and Irion Sanger, Davison Van Cleve PC, Portland, Oregon, represent the Industrial Customers of Northwest Utilities (“ICNU”). John O’Rourke, Program Director, Spokane,

Washington, represents the Citizens' Utility Alliance of Washington ("Alliance"). Ralph Cavanagh, Northwest Project Director, San Francisco, California, represents the Natural Resources Defense Council ("NRDC"). Chuck Ebert, Bellingham, Washington, represents the Energy Project, Opportunity Council, Northwest Community Action Center, and Industrialization Center of Washington (collectively "Energy Project"). Robert Cromwell, Assistant Attorney General, Seattle, Washington, represents the Public Counsel Section of the Washington Office of Attorney General. Shannon Smith, Assistant Attorney General, Olympia, Washington, represents the Commission's regulatory staff ("Commission Staff" or "Staff").¹

3 **PETITIONS TO INTERVENE:** The following persons filed petitions to intervene or petitioned orally at the prehearing conference for intervenor status:

1. Industrial Customers of Northwest Utilities
2. Citizens Utility Alliance of Washington
3. Natural Resources Defense Council
4. The Energy Project, Opportunity Council, Northwest Community Action Center, and Industrialization Center of Washington

4 No objection was heard to any of these petitions. The Commission finds that each of these petitioners has established a substantial interest in this proceeding and that their participation will be in the public interest. These petitions to intervene are granted.

5 **DISCOVERY; PROTECTIVE ORDER:** Discovery will continue pursuant to the Commission's discovery rules, WAC 480-07-400 – 425. The Commission urges

¹ In formal proceedings, such as this case, the Commission's regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as any other party to the proceeding. There is an "ex parte wall" separating the Commissioners, the presiding ALJ, and the Commissioners' policy and accounting advisors from all parties, including Staff. RCW 34.05.455.

the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution.

6 PacifiCorp requests that the Commission enter its standard form of protective order with provisions for handling information and documents that parties may designate as “confidential” or “highly confidential,” consistent with the terms of such order and the Commission’s procedural rules. The parties agreed to discuss among themselves and attempt to agree to protocols for handling information and documents designated as “highly confidential.” Parties must inform the presiding ALJ of their preferences by letter(s) to be filed by February 25, 2004. The Commission will consider the parties’ preferences and will enter a protective order to facilitate the exchange of confidential information among the parties and its presentation at hearing.

7 **PROCEDURAL SCHEDULE:** The Commission establishes the procedural schedule that is attached to this Order as Appendix 1, which is incorporated into the body of this Order by this reference.

8 **FILING; COPIES OF MATERIALS:** Parties must file with the Commission an original plus 16 copies of all pleadings, motions, briefs, and other prefiled materials. Paper copies of these materials are required to conform to the format and publication guidelines set forth in WAC 480-07-395 and 480-07-460, and must be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.

9 All filings must be mailed to the Commission Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250, or delivered by hand to the Commission Executive Secretary at the Commission’s records center at 1300 S.

Evergreen Park Drive, S.W., Olympia, Washington, 98504. Both the post office box and street address are required to expedite deliveries by U.S. Postal Service.

10 An electronic copy of all filings must be provided by e-mail delivery to records@wutc.wa.gov, or by delivering with each filing a 3.5-inch IBM-formatted high-density diskette including the filed document(s). The Commission prefers that parties furnish electronic copies in .pdf (Adobe Acrobat) format, supplemented by a separate file in MS Word 6.0 (or later), or WordPerfect 5.1 (or later) format. Parties are required to organize and identify electronic files as specified in WAC 480-07-140(5).

11 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the date of mailing of this statement, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this prehearing conference order will control further proceedings in this matter, subject to Commission review.**

DATED at Olympia, Washington, and effective this 28th day of January 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS
Administrative Law Judge

APPENDIX 1

PROCEDURAL SCHEDULE DOCKET NO. UE-032065

EVENT	DATE	INTERVAL
PacifiCorp's Prefiled Direct Testimony	December 16, 2003 (suspended January 14, 2004)	
Staff, Public Counsel, and Intervenor Response Testimony	June 25, 2004	163 days
PacifiCorp Rebuttal Testimony	July 23, 2004	28 days
Evidentiary Hearing	August 30 – September 17, 2004	37 days
Public Comment Hearing	T/B/D	
Simultaneous Initial Briefs	October 8, 2004*	21 days
Simultaneous Reply Briefs	October 15, 2004*	7 days
Suspension Date	November 16, 2004	32 days

***Briefs must be submitted via e-mail by 12:00 noon to meet the Commission's internal distribution schedule. Parties must initiate mail or courier delivery of originals and required copies by COB on the scheduled date.**

APPENDIX 2

**PARTIES' REPRESENTATIVES
DOCKET NO. UE-032065**

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
PacifiCorp	James M. Van Nostrand Stoel Rives LLP Suite 3600, One Union Square 600 University Street Seattle, WA 98101	206-386-7665	206-386-7500	jmvanstrand@stoel.com
	Stephen C. Hall Stoel Rives LLP 900 S.W. Fifth Avenue, Suite 2600 Portland, OR 97204	503-294-9625	503-220-2480	schall@stoel.com
Industrial Customers of Northwest Utilities (ICNU)	Melinda Davison S. Bradley Van Cleve Irion Sanger Davison Van Cleve, P.C. 1000 SW Broadway, Ste. 2460 Portland, OR 97205	503-241-7242	503-241-8160	mail@dvclaw.com
Citizens' Utility Alliance of Washington (Alliance)	John O'Rourke Program Director Citizens' Utility Alliance of Washington 212 W. 2 nd Ave, Suite 100 Spokane, WA 99201	509-744-3370 Ext 247	509-744-3374	orourke@snapwa.org
Natural Resources Defense Council (NRDC)	Ralph Cavanagh Northwest Project Director Natural Resources Defense Council 71 Stevenson St., Suite 1825 San Francisco, CA 94105	415 777-0220	415-495-5996	
The Energy Project / The Opportunity Council	Chuck Eberdt The Energy Project The Opportunity Council 1701 Ellis St. Bellingham, WA 98225	360-255-2192	360-671-2753	chuck_eberdt@opportunitycouncil.org
Public Counsel	Robert Cromwell Public Counsel Section Office of Attorney General 900 Fourth Avenue, Suite 2000 Seattle, WA 98164-1012	206-464-6595	206-389-2058	RobertC1@atg.wa.gov
Commission Regulatory Staff	Robert D. Cedarbaum Senior Counsel 1400 S. Evergreen Park Dr. S.W. P.O. Box 40128 Olympia, WA 98504-0128	360-664-1192	360-586-5522	rcedarba@wutc.wa.gov

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