

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

WASHINGTON UTILITIES AND	)	
TRANSPORTATION COMMISSION,	)	DOCKET NO. UE-030751
	)	
Complainant,	)	ORDER NO. 02
	)	
v.	)	ORDER GRANTING PETITION
	)	TO INTERVENE
AVISTA CORPORATION, d/b/a	)	
AVISTA UTILITIES,	)	
	)	
Respondent.	)	
.....	)	

1     *SYNOPSIS: The Commission grants a petition for intervention by the Citizens' Utility Alliance of Washington (CUA) and Spokane Neighborhood Action Programs (SNAP).*

2     **PROCEEDINGS:** The Commission initiated this proceeding on the joint motion of Commission Staff, Public Counsel and ICNU to determine the prudence of Avista's power cost deferrals under the Energy Recovery Mechanism (ERM) approved as part of the Stipulation adopted by the Commission on June 18, 2002, in Docket No. UE-011595.

3     **PARTIES:** David Meyer, attorney, Spokane, WA, represents Avista Corporation, d/b/a Avista Utilities (Avista). Donald Trotter, Assistant Attorney General, represents Commission Staff. Robert Cromwell, Assistant Attorney General, Public Counsel's Office, Seattle, WA, represents Public Counsel. S. Bradley Van Cleve, attorney, Portland, OR, represents Industrial Customers of Northwest Utilities (ICNU).

**MEMORANDUM**

4     **Petition to Intervene.** On July 7, 2003, the Citizens' Utility Alliance of Washington (CUA) and Spokane Neighborhood Action Programs (SNAP) filed a joint petition to intervene in this proceeding. The CUA is a grassroots consumer

advocacy group whose mission is to protect, educate, and advocate for Washington's residential gas, electric, water, and telecommunications consumers. SNAP is a private, non-profit community action agency that works to improve the lives of low-income people in Spokane County.

5 The CUA and SNAP allege a special interest in this proceeding for the following reasons: (1) Alliance members and SNAP clients will be directly affected by rate increases that may result from this proceeding; and (2) this proceeding will set precedent as the first annual ERM prudence review. They further allege that no other party in this proceeding specifically represents low income and vulnerable people. They observe that no other party to this proceeding has either the extensive history of service to, or the close bonds with, the community as do SNAP and the CUA.

6 Public Counsel supports the petition of the CUA and SNAP to intervene. No other party objects to the petition.

7 **Commission Decision.** RCW 34.05.443 governs intervention and provides broad discretion in granting a petition for intervention. It states:

(1) the presiding officer may grant a petition for intervention at any time, 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 impair the orderly and prompt conduct of the proceedings.

8 The Commission's rule on intervention, WAC 480-09-430, provides that the Commission may grant a petition to intervene if the Commission finds that the petition discloses a substantial interest in the subject matter of the hearing,<sup>1</sup> or if the participation of the petitioner is in the public interest.

9 In the instant case, Alliance members and SNAP clients will be directly affected by rate increases that may result from a determination on the prudence of

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<sup>1</sup> By substantial interest, the rule means a legal or property interest that could be adversely affected by a decision. See, *In the Matter of the Investigation of Depreciation Rates of U S West*, Docket No. UT-951425 (March 28, 1997) ;.p. 12, fn 3.

Avista's power cost deferrals. The deferral amount is \$18 million and would have a significant impact on ratepayers. Moreover, no other grassroots-based advocacy group is currently party to this proceeding. Accordingly, the Commission grants the petition of the CUA and SNAP to intervene.

Dated at Olympia, Washington, and effective this \_\_\_\_ day of August, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

KAREN M. CAILLÉ  
Administrative Law Judge