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June 14, 2011

David W. Danner, Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. SW
P. O. Box 47250
Olympia, Washington 98504-7250

RE: *In the Matter of the Petition of Industrial Customers of Northwest Utilities For a Declaratory Order Requiring Puget Sound Energy, Inc. to Provide Access to the AURORA Model in its 2011 General Rate Case, Docket U-111024*

Dear Mr. Danner:

Enclosed for filing in the above-referenced docket are the original and 12 copies of the Motion of Commission Staff for Extension of Time to Respond to Petition for Declaratory Order and Certificate of Service.

Sincerely,

ROBERT D. CEDARBAUM
Assistant Attorney General

RDC:klg
Enclosures
cc: Parties

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

INDUSTRIAL CUSTOMERS OF
NORTHWEST UTILITIES,

For a Declaratory Order Requiring Puget
Sound Energy, Inc. to Provide Access to
the AURORA Model in its 2011 General
Rate Case.

DOCKET NO. U-111024

MOTION OF COMMISSION STAFF
FOR EXTENSION OF TIME TO
RESPOND TO PETITION FOR
DECLARATORY ORDER

1 Pursuant to WAC 480-07-375 and WAC 480-07-385, the Staff of the Washington Utilities and Transportation Commission requests an extension of time to respond to the Petition for Declaratory Order filed by the Industrial Customers of Northwest Utilities on June 7, 2011. Staff requests permission to file its response on June 28, 2011. The extension of time would not apply to Puget Sound Energy, Inc., which would still be required to submit its response by June 21, 2011.

2 In support of its motion, Staff states the following:

1. On June 7, 2011, the Industrial Customers of Northwest Utilities (ICNU) filed with the Washington Utilities and Transportation Commission (Commission) a Petition for a Declaratory Order (Petition) related to the use by Puget Sound Energy, Inc. (Company) of the AURORA power cost model in the Company's 2011 general rate case (GRC).¹ ICNU asks the Commission to issue a Declaratory Order requiring the Company to provide ICNU

¹ The Company's 2011 GRC was filed with the Commission on June 13, 2011 in Dockets UE-111048 and UG-111049.

with access to the AURORA model in the GRC without ICNU having to pay a license fee to the model's owner.

2. ICNU's Petition is supported by the affidavit of Donald W. Schoenbeck. Mr. Schoenbeck's affidavit provides information regarding the necessity for ICNU to have access to the AURORA model in the GRC, the Company's refusal to arrange for ICNU to have access to the model without having to pay a licensing fee, the cost for ICNU to obtain its own license, and arrangements Avista Corporation has made in its pending general rate case to allow ICNU free access to the model under Avista's license.

3. By Notice issued June 13, 2011, the Commission acknowledged receipt of the Petition. The Commission also granted any interested person until June 21, 2011 to submit a statement of fact and law on the issues raised in the Petition.

4. Under RCW 34.05.240, the Commission may grant a petition for declaratory order "with respect to the applicability to specified circumstances of a rule, order or statute enforceable by the agency" only upon a showing:

- (a) That uncertainty necessitating resolution exists;
- (b) That there is actual controversy arising from the uncertainty such that a declaratory order will not be merely an advisory opinion;
- (c) That the uncertainty adversely affects the petitioner;
- (d) That the adverse effect of uncertainty on the petitioner outweighs any adverse effects on others or on the general public that may likely arise from the order requested.

RCW 34.05.240(1). Staff intends to respond to the Petition under these standards.

However, whether these standards have been met in this docket includes an examination not only of the facts alleged by ICNU in the Petition and Schoenbeck affidavit, but also any factual allegations yet to be provided by the Company in its response to the Petition. None

of those facts are known at this time to Staff.

5. Therefore, it is reasonable for the Commission to extend the time for Staff's response to the Petition until after the Company responds on June 21, 2011. Staff's requested deadline of June 28, 2011 will not unduly delay the Commission's resolution of this matter. In that regard, we note that the GRC was filed on June 13, 2011. A short delay in resolving the Petition should not impede ICNU's examination of power costs in the GRC, if its Petition is ultimately granted by the Commission.

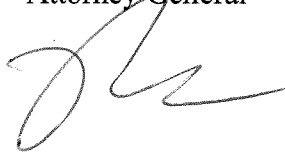
6. Staff counsel has advised counsel for ICNU and the Company of Staff's intent to file this Motion. Staff counsel has been authorized to state that ICNU does not object to the Staff Motion. Staff counsel has not yet been contacted by Company counsel and, therefore, does not know whether or not the Company objects to the Motion.

3 For the reasons set forth above, Staff asks that the Commission grant its Motion for Extension of Time by allowing Staff to respond to the Petition on June 28, 2011.

DATED this 14th day of June 2011.

Respectfully submitted,

ROBERT M. MCKENNA
Attorney General



ROBERT D. CEDARBAUM
Assistant Attorney General
Council for Washington Utilities and
Transportation Commission Staff

Docket U-111024
CERTIFICATE OF SERVICE

I hereby certify that I have this day served the Motion of Commission Staff for Extension of Time upon the persons and entities listed on the Service List below via e-mail and by depositing a copy of said document in the United States mail, addressed as shown on said Service List, with first class postage prepaid.

DATED at Olympia, Washington this 14th day of June 2011.



KRISTA L. GROSS

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