

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In re the Matter of

PACIFICORP d/b/a PACIFIC POWER
& LIGHT COMPANY

Request for an Accounting Order
Authorizing
Deferral of Excess Net Power Costs

DOCKET NO. UE-020417

PACIFICORP RESPONSE TO
REQUEST FOR CONTINUANCE

I. INTRODUCTION

PacifiCorp d/b/a Pacific Power & Light Company (the “Company”) opposes the Request for Continuance filed this day (April 1, 2003) by the Industrial Customers of Northwest Utilities (“ICNU”) and the Public Counsel section of the Washington State Attorney General’s Office (“Public Counsel”). The Request states no good cause for granting an extension of the briefing deadline. As an alternative, the Company would be agreeable to a two-day extension to Friday, April 11, 2003, so long as such extension does not disturb any deliberation schedule the Commission may already have in place for this proceeding.

II. ARGUMENT

A. No Good Cause Has Been Shown For Granting The Continuance.

WAC 480-09-440, the basis cited in the Request for a Continuance, requires the requesting party to demonstrate good cause for the continuance. The Request provides no such showing.

The April 9 due date for submitting brief has been in place since October 31, 2002, when the Commission issued its Fourth Supplemental Order. At the close of the hearings on March 24, parties were given an opportunity to discuss the briefing schedule, and propose any proposed changes or extensions. Neither of the requesting parties expressed any objections or made any statement whatsoever regarding problems with the briefing schedule.

The Request cites the availability of the transcripts as the basis for the requested continuance. The Company asked that the transcripts be made available no later than Wednesday, April 2, which accommodated the Company's needs under the briefing schedule. Any party wishing to obtain the transcripts earlier could have done so. That the parties declined to have the transcripts ordered on a schedule that accommodated the long-standing briefing schedule hardly provides a basis for seeking a continuance. The unavailability of the transcripts on a schedule that meets their schedule is a problem of their own creation, and does not demonstrate "good cause" as required by the Commission rule.

The requesting parties also cite the unexpected length of the hearings. Since October 31, 2002, these hearings have been scheduled for three days, to conclude on March 24. If the length was "unexpected" to the requesting parties, that unreasonable expectation resides with them. The schedule obviously provided for three days of hearings, and the fact that all three days of hearings were necessary hardly provides "good cause" for extending the briefing schedule.

Finally, the "number and complexity of the issues involved in the case" did not increase. (Request, p. 2) The scheduling order was issued *after* the Company filed its direct case on October 17, 2002. If anything, the issues in the case have narrowed in the subsequent rounds of testimony. The requesting parties focus on the issue of whether the Company characterizes its request as "interim relief" in claiming that the issues have become more complex. (Request, p. 2) The characterization of the particular form of relief requested is of no consequence to the basis for the continuance. The Request must demonstrate "good cause" for granting the continuance, and issues of semantics fall short of the required showing.

B. The Company will Be Prejudiced by Granting the Continuance if It Results in Delay in the Issuance of an Order by the Commission.

The Request inexplicably, and incorrectly, states that the Company will not be prejudiced by granting the requested continuance. Given the nature of the relief requested—an accounting deferral, accompanied by a rate recovery proposal—there is no pressing statutory deadline requiring a prompt resolution of this case. The one-week continuance of the briefing schedule

presumably will result in a similar slippage of one week in the Commission's issuance of an order in this proceeding. Given the proposal for rate recovery—use of existing Centralia and Merger credits (or an offsetting surcharge in the same amount)—an additional delay most certainly will prejudice the Company. With the passage of time, the remaining balances in the Centralia and Merger credit accounts will diminish, thereby eroding the availability of that recovery device as a vehicle. Moreover, the passage of additional time exacerbates the Company's deteriorating earnings and cash position in Washington.

Alternatively, if a slight delay in the briefing schedule will not disrupt the deliberative schedule to be followed by the Commission in this proceeding, the Company would not oppose a slight delay in the briefing schedule, to Friday, April 11, in the interests of reasonably accommodating the needs of the other parties. If such a delay would cause a corresponding slip in the issuance date for a final Commission order, however, the Company would prefer to abide by the long-established existing schedule, which calls for briefs to be filed Wednesday, April 9.

III. CONCLUSION

For the reasons set forth above, PacifiCorp opposes the request for continuance. Alternatively, if granting a brief extension will not delay issuance of a Commission order, PacifiCorp proposes a slight extension, to Friday, April 11.

RESPECTFULLY SUBMITTED this 1st day of April, 2003.

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