

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

WASHINGTON UTILITIES AND	)	DOCKETS UE-080416
TRANSPORTATION COMMISSION,	)	and UG-080417
Complainant,	)	<i>(consolidated)</i>
	)	
v.	)	
	)	ORDER 02
AVISTA CORPORATION d/b/a	)	
AVISTA UTILITIES,	)	
	)	PREHEARING CONFERENCE
Respondent.	)	ORDER
	)	
.....	)	

- 1 **NATURE OF PROCEEDINGS:** On March 4, 2008, Avista Corporation d/b/a Avista Utilities (Avista) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff WN U-28, Electric Service in Docket UE-080416, and revisions to its currently effective Tariff WN U-29, Gas Service in Docket UG-080417. The stated effective date of the tariff revisions is April 4, 2008. The proposed revisions would implement a general rate increase of \$36.6 million, or 10.3 percent, for electric service and \$6.6 million, or 3.3 percent, for gas service.
  
- 2 The Commission suspended the filings on March 6, 2008, consolidated the two dockets, and set the dockets for hearing. On March 11, 2008, the Commission entered a Notice of Prehearing Conference and appointed Administrative Law Judge Patricia Clark as presiding officer in these proceedings.
  
- 3 **CONFERENCE.** The Commission convened a prehearing conference in this proceeding at Olympia, Washington on March 28, 2008.

4 **PARTY REPRESENTATIVES:** David J. Meyer, Vice President and Chief Counsel for Regulatory and Governmental Affairs, represents Avista. Simon ffitich, Assistant Attorney General, Seattle, Washington, represents the Public Counsel Section of the Washington Office of Attorney General (Public Counsel). Greg Trautman and Michael Fassio, Assistant Attorneys General, Olympia, Washington, represent the Commission’s regulatory staff (Commission Staff or Staff).<sup>1</sup> S. Bradley Van Cleve, Irion Sanger, and Allen C. Chan, Davison Van Cleve, P.C., Portland, Oregon, represent the Industrial Customers of Northwest Utilities (ICNU). Edward A. Finklea and Chad M. Stokes, Cable Huston Benedict Haagensen & Lloyd LLP, Portland, Oregon, represent Northwest Industrial Gas Users (NWIGU). Ronald Roseman represents The Energy Project

5 **PETITIONS FOR INTERVENTION.** On March 27, 2008, ICNU and NWIGU filed petitions to intervene. The Energy Project orally petitioned to intervene during the prehearing conference.

6 These petitions were not opposed. Moreover, each petitioner demonstrated their substantial interest in this proceeding and that their participation will be in the public interest. WAC 480-07-355. The petitions to intervene by ICNU, NWIGU, and The Energy Project are granted.

7 **PROTECTIVE ORDER.** Avista requested that the Commission enter a protective order in these dockets pursuant to RCW 34.05.446, RCW 80.04.095, WAC 480-07-420 and WAC 480-07-423 to protect the confidentiality of proprietary information. The request was granted and a protective order will be entered.

8 **PROCEDURAL SCHEDULE.** The parties were unable to agree on a procedural schedule during the conference. The Commission adopts a procedural schedule that takes into consideration the issues raised by the parties to these proceedings as well as

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<sup>1</sup> In formal proceedings, such as this, the Commission’s regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as other parties to the proceeding. There is an “*ex parte* wall” separating the Commissioners, the presiding Administrative Law Judge, and the Commissioners’ policy and accounting advisors from all parties, including regulatory staff. RCW 34.05.455.

the press of other regulatory business before the Commission. The procedural schedule is set forth in Appendix B to this Order.

- 9 Public Counsel is required to submit, by **May 5, 2008**, a status report concerning its efforts to reach consensus with Staff and Avista on the content and format of any public notice Avista is required to issue in connection with these proceedings.
- 10 **NOTICE OF HEARING.** The Commission will hold evidentiary hearings in this matter beginning **December 1, 2008**, at 9:30 a.m., and continuing thereafter, as necessary, on **December 2 and 3, 2008**, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.
- 11 **NOTICE OF PREHEARING CONFERENCE.** The Commission will convene a prehearing conference in this matter on **November 24, 2008, at 9:30 a.m.**, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, to mark exhibits, including exhibits on cross examination, if any, and to address any procedural matters that the parties may present. If no matters warrant attention, the conference will be cancelled.
- 12 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file the original plus **15 copies** of the unredacted versions of all pleadings, motions, briefs, and other prefiled materials. Parties must also file the original and 1 copy of any redacted version(s). These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials 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.
- 13 All filings must be mailed or delivered to the Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.

- 14 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Electronic versions of all documents must be filed in accordance with WAC 480-07-140(6). Specifically, all documents must be filed in .pdf (Adobe Acrobat) format, supplemented by a separate file in .doc (MS Word, .wpd (WordPerfect), .xls (Excel), or .ppt (Power Point) format.
- 15 A copy of all filings must be provided through the Commission's Web Portal ([www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing)) or by e-mail delivery to <[records@utc.wa.gov](mailto:records@utc.wa.gov)>. Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.
- 16 At the request of the parties, the presiding officer granted a one-day extension of the paper-filing requirement under WAC 480-07-145(6), allowing electronic submission of documents with the Commission on the filing deadline. Parties must submit documents through the Commission's Web Portal ([www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing)) or by e-mail to [records@utc.wa.gov](mailto:records@utc.wa.gov), and file an original, plus 15 paper copies,<sup>2</sup> of the documents with the Commission by the following business day. Parties must provide courtesy copies of their electronic submissions to the presiding administrative law judges and the parties to the proceeding.
- 17 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1144.

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<sup>2</sup> See, ¶ 13 for detailed filing requirements when documents include material designated confidential.

18 **NOTICE TO PARTIES:** A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.

Dated at Olympia, Washington, and effective April 3, 2008.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

PATRICIA CLARK  
Administrative Law Judge

<b>APPENDIX A-1</b>				
<b>PARTIES' REPRESENTATIVES</b>				
<b>DOCKET UE-080416 and UG-080417</b>				
<b>PARTY</b>	<b>REPRESENTATIVE</b>	<b>PHONE</b>	<b>FACSIMILE</b>	<b>E-MAIL</b>
<b>Avista Corporation</b>	David J. Meyer Vice President and Chief Counsel for Regulatory and Governmental Affairs P.O. Box 3727 1411 E. Mission Ave., MSC-13 Spokane, WA 99220-3727	509-495-4316	509-495-8851	<a href="mailto:david.meyer@avistacorp.com">david.meyer@avistacorp.com</a>
<b>Commission Staff</b>	Gregory J. Trautman Michael Fassio 1400 S. Evergreen Park Dr. SW P.O. Box 40128 Olympia, WA 98504-0128	360-664-1187 360-664-1192	360-586-5522	<a href="mailto:gtrautma@utc.wa.gov">gtrautma@utc.wa.gov</a> <a href="mailto:mfassio@utc.wa.gov">mfassio@utc.wa.gov</a>
<b>Public Counsel</b>	Simon J. ffitich Public Counsel Section Office of Attorney General 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188	206-464-7744	206-389-2058	<a href="mailto:simonf@atg.wa.gov">simonf@atg.wa.gov</a>
<b>Industrial Customers of Northwest Utilities (ICNU)</b>	S. Bradley Van Cleve Irion Sanger Allen C. Chan Davison Van Cleve, P.C. 333 S.W. Taylor, Suite 400 Portland, OR 97204	503-241-7242	503-241-8160	<a href="mailto:BVC@DVCLaw.com">BVC@DVCLaw.com</a> <a href="mailto:IAS@DVCLaw.com">IAS@DVCLaw.com</a> <a href="mailto:ACC@DVCLaw.com">ACC@DVCLaw.com</a>
<b>Northwest Industrial Gas Users (NWIGU)</b>	Edward A. Finklea Chad M. Stokes Cable Huston Benedict Haagensen & Lloyd LLP 1001 SW Fifth Avenue Suite 2000 Portland, OR 97204-1136	503-224-3092	503-224-3176	<a href="mailto:efinklea@cablehuston.com">efinklea@cablehuston.com</a> <a href="mailto:cstokes@cablehuston.com">cstokes@cablehuston.com</a>
<b>The Energy Project</b>	Ronald L. Roseman Attorney At Law 2011 14 <sup>th</sup> Avenue East Seattle, Washington 98112	206-324-8792	206-568-0138	<a href="mailto:ronaldroseman@comcast.net">ronaldroseman@comcast.net</a>

**APPENDIX A-2**

**INTERESTED PERSONS  
 DOCKETS UE-080416 and UG-080417**

<b>IP</b>	<b>REPRESENTATIVE</b>	<b>PHONE</b>	<b>FACSIMILE</b>	<b>E-MAIL</b>
<b>Avista Corporation</b>	Kelly Norwood Vice President, State & Federal Regulation Avista Corporation 1411 E. Mission Ave, MSC-7 Spokane, WA 99220-3727	509-495-4267	509-495-8856	<a href="mailto:kelly.norwood@avistacorp.com">kelly.norwood@avistacorp.com</a>
<b>Avista Corporation</b>	Liz Andrews Manager, Revenue Requirements State & Federal Regulation Avista Corp. 1411 East Mission Spokane, WA 99220	509-495-8601	509-495-8058	<a href="mailto:liz.andrews@avistacorp.com">liz.andrews@avistacorp.com</a>
<b>Avista Corporation</b>	Pat Ehrbar Regulatory Analyst State & Federal Regulation Avista Corp. 1411 East Mission Spokane, WA 99220	509-495-8620	509-495-8058	<a href="mailto:Pat.Ehrbar@avistacorp.com">Pat.Ehrbar@avistacorp.com</a>
<b>Public Counsel</b>	Stefanie Johnson Public Counsel 800 5 <sup>th</sup> Avenue, Suite 2000 Seattle, WA 98104-3188	206-389-3040	206-464-6451	<a href="mailto:stefaniej@atg.wa.gov">stefaniej@atg.wa.gov</a>
<b>Public Counsel</b>	Tom Spinks Public Counsel 800 5 <sup>th</sup> Avenue, Suite 2000 Seattle, WA 98104-3188	206-464-6253	206-464-6451	<a href="mailto:toms@atg.wa.gov">toms@atg.wa.gov</a>
<b>Public Counsel</b>	Kathryn Zsoka Public Counsel 800 5 <sup>th</sup> Avenue, Suite 2000 Seattle, WA 98104-3188	206-389-3972	206-464-6451	<a href="mailto:kathrynz@atg.wa.gov">kathrynz@atg.wa.gov</a>

**APPENDIX A-2 (Cont.)**

**INTERESTED PERSONS  
DOCKETS UE-080416 and UG-080417**

<b>IP</b>	<b>REPRESENTATIVE</b>	<b>PHONE</b>	<b>FACSIMILE</b>	<b>E-MAIL</b>
ICNU	Brendan E. Levenick Davison Van Cleve, PC 333 S.W. Taylor, Suite 400 Portland, OR 97204	503-241-7242	503-241-8160	bel@dvclaw.com
ICNU	Michael Early Executive Director ICNU 333 W.W. Taylor, Suite 400 Portland, OR 97204	503-239-9169	503-241-8160	mearly@icnu.org
ICNU	Donald W. Schoenbeck RCS, Inc. 900 Washington Street Suite 780 Vancouver, WA 98660	503-232-6155	360-737-7628	dws@r-c-s-inc.com
The Energy Project	Charles Eberdt	360-255-2169	360-671-2753	Chuck_Eberdt@oppco.org



**APPENDIX B  
 PROCEDURAL SCHEDULE  
 DOCKET UE-080416 and UG-080417**

<u>EVENT</u>	<u>DATE</u>	<u>INTERVAL (Days)</u>
<b>Company Direct Testimony and Exhibits</b>	March 4, 2008	
<b>Public Notice Report</b>	May 5, 2008	
<b>Issue Discussion/Settlement Conference (parties only)</b>	August 20-21, 2008	
<b>Public Comment Hearing(s)</b>	To Be Determined	
<b>Staff, Public Counsel and Intervenor Responsive Testimony and Exhibits</b>	September 12, 2008	191
<b>Company Rebuttal Testimony and Exhibits Staff, Public Counsel and Intervenor Cross-Answering Testimony and Exhibits</b>	October 15, 2008	33
<b>Settlement Conference (parties only)</b>	October 22, 2008	
<b>Prehearing Conference</b>	November 24, 2008	40
<b>Evidentiary Hearing</b>	December 1-3, 2008	46
<b>Simultaneous Briefs</b>	December 23, 2008	20
<b>Suspension Date</b>	February 4, 2009	43