

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

WASHINGTON UTILITIES AND	)	DOCKET UE-111190
TRANSPORTATION COMMISSION,	)	
	)	
Complainant,	)	ORDER 04
	)	
v.	)	
	)	PREHEARING CONFERENCE
PACIFICORP D/B/A PACIFIC	)	ORDER
POWER & LIGHT COMPANY,	)	<b>(Evidentiary Hearing set for March</b>
	)	<b>6 and 7, 2012)</b>
Respondent.	)	
	)	
.....	)	

1 **NATURE OF PROCEEDING:** On July 1, 2011, PacifiCorp d/b/a Pacific Power & Light Company (PacifiCorp or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff WN U-74. The stated effective date of the tariff revisions is July 31, 2011. The proposed revisions would implement a general rate increase of \$12.94 million, or 4.3 percent.

2 On July 28, 2011, the Commission entered Order 01 in this matter suspending the filing for 10 months concluding on May 31, 2011, and set the docket for hearing. On August 2, 2011, the Commission entered a Notice of Prehearing Conference and appointed Administrative Law Judge Patricia Clark as presiding officer in this proceeding.

3 **CONFERENCE.** The Commission convened a prehearing conference in this proceeding, as scheduled, at Olympia, Washington, on August 23, 2011, before Judge Clark.

4 **PARTY REPRESENTATIVES:** Katherine A. McDowell, McDowell, Rackner, & Gibson, PC, Portland, Oregon, and Jordan A. White, Senior Counsel, PacifiCorp, Salt Lake City, Utah, represent PacifiCorp. Sarah Shifley, Assistant Attorney General, Seattle, Washington, represents the Public Counsel Section of the Washington Office of Attorney General (Public Counsel). Greg Trautman, Assistant Attorney General, Olympia, Washington, represents the Commission’s regulatory staff (Commission

Staff or Staff).<sup>1</sup> Melinda Davison and Irion Sanger, Davison Van Cleve, P.C., Portland, Oregon, represent the Industrial Customers of Northwest Utilities (ICNU). Brad Purdy, Boise, Idaho, represents The Energy Project. A complete list of party representatives and interested persons, along with their contact information, is attached to this Order as Appendix A.

5     **PETITIONS FOR INTERVENTION.** On August 3, 2011, The Energy Project filed a petition to intervene. The petition was not opposed. The petitioner demonstrated a substantial interest in this proceeding and that its participation will be in the public interest. WAC 480-07-355. The petition to intervene by The Energy Project is granted.

6     **PROCEDURAL SCHEDULE.** During the prehearing conference, the Commission established a new element to its procedural schedule; it required the parties to submit issues lists at various procedural stages during the proceeding. The purpose of the issues lists is to efficiently and expeditiously identify disputed issues and compare the parties' positions on those issues.

7     Also during the prehearing conference, the parties presented an agreed-upon procedural schedule. The Commission determines that the parties' proposed procedural schedule is reasonable and should be adopted. The procedural schedule takes into consideration the Commission's current workload, which is extensive. Accordingly, the Commission adopts the procedural schedule set forth in Appendix B to this Order.

8     *Supplemental Filing.* In general rate case proceedings, the Commission ordinarily issues two bench requests shortly after the first prehearing conference regarding the Company's revenue requirement filings. In an effort to expedite the distribution of this information, the Commission requested the supplemental information during the course of the prehearing conference. Specifically, the Commission requested that PacifiCorp provide the direct testimony exhibit of R. Bryce Dalley, RBD-3 in a

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<sup>1</sup> In formal proceedings, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of the proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

separate electronic spreadsheet file. The file(s) must be in Excel format. The filing must include all linked files with all formulas and formatting in every spreadsheet intact (formulas not converted to values or otherwise modified from original). This information should be provided on a CD. In addition, the Commission requested that the Company provide electronic spreadsheet files for any other exhibits that flow into the results of operations including all adjustments furnished by other witnesses. The files(s) must be in Excel format and include all linked files with all formulas and formatting in every spreadsheet intact (formulas not converted to values or otherwise modified from original). This information should also be provided on a CD. During the course of the prehearing conference, the Commission established a deadline of **August 29, 2011**, for submitting the supplemental information.<sup>2</sup>

- 9 *Prefiled Testimony and Exhibits.* The Commission's rule, WAC 480-07-510(1), governs the content of Company submissions for requests for general rate relief. That rule requires the Company to submit an exhibit with results of operations statement that demonstrates test year actual results together with restating and *pro forma* adjustments supporting the requested rate increase.
- 10 To ensure consistency in the comparison of the Company's filing with the filings of other parties, the Commission requires intervenors, Public Counsel, and Staff to prepare their testimony and exhibits starting with the results of operations that show test year actual results (or "per books."). The party should state whether the Company's restating and *pro forma* adjustments are contested or uncontested. If contested, the party must state the basis for the disagreement and how that adjustment should be modified. This ruling is not intended to restrict parties to an analysis of the issues raised by the Company. The other parties to this proceeding may propose any new adjustments or raise any issues that they deem fit for the Commission's consideration.
- 11 The parties should follow the foregoing format when presenting cross-answering testimony and rebuttal testimony. That is, each party should state whether other parties' adjustments are contested or uncontested, the basis for the disagreement, and how other parties' proposed adjustments should be modified.

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<sup>2</sup> PacifiCorp timely filed the supplemental information.

- 12 *Public Notice.* Public Counsel is required to submit, by **October 14, 2011**, a status report concerning its efforts to reach consensus with Staff and PacifiCorp on the content and format of any public notice PacifiCorp is required to issue in connection with these proceedings.
- 13 *Cross-Examination Exhibits.* According to WAC 480-07-460(1), the Commission may require the parties to predistribute their cross-examination exhibits. It has been the Commission's practice to require the predistribution of cross-examination exhibits and to establish a deadline for that predistribution. In recent cases, the predistribution of cross-examination exhibits after the deadline established by the Commission has presented problems for both the Commission and other parties to the proceeding. To ensure that the parties and the Commission have adequate time to prepare for hearing and review proposed cross-examination exhibits, the Commission will enforce WAC 480-07-460(1)(c) and may exclude cross-examination exhibits distributed after the deadline absent a showing of good cause for the delay in timely predistributing such proposed exhibits. The deadline for filing cross-examination exhibits is **March 1, 2012**.
- 14 *Public Comment Hearing.* The Commission will conduct a public comment hearing to afford members of the public an opportunity to present oral comments on the issues in this case. Public Counsel requested that the Commission hold public comment hearings in Walla Walla and Yakima, Washington. The Commission is considering that request and a separate notice of public comment hearing(s) will be issued setting forth the date, time, and location of the public comment hearing(s).
- 15 **NOTICE OF HEARING.** The Commission will hold evidentiary hearings in this matter beginning **March 6, 2012**, at 9:30 a.m., and continuing thereafter, as necessary, on **March 7, 2012**, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.
- 16 **NOTICE OF PREHEARING CONFERENCE.** The Commission will convene a prehearing conference in this matter on **March 5, 2012, at 1:30 p.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.

- 17 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file the original plus **12 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.
- 18 All filings must be mailed or delivered to the Executive Director and 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.
- 19 **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.
- 20 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.
- 21 According to WAC 480-07-145(6), the parties may electronically submit documents to the Commission provided the electronic submission is received by 3:00 p.m. on the filing deadline and the Commission receives the original and required number of copies by 12:00 p.m. on the following business day. 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, and file an original, plus 12 paper copies, 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 judge at pclark@utc.wa.gov and to the parties to the proceeding.

- 22 **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 360-664-1355.
- 23 **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 August 31, 2011.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

PATRICIA CLARK  
Administrative Law Judge

APPENDIX A				
PARTIES' REPRESENTATIVES				
DOCKET UE-111190				
PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
<b>PacifiCorp</b>	Katherine A. McDowell McDowell Rackner & Gibson 520 SW 6 <sup>th</sup> Avenue, Suite 830 Portland, OR 97204	503-595-3924	503-595-3928	<a href="mailto:katherine@mcd-law.com">katherine@mcd-law.com</a>
	Jordan A. White Senior Counsel PacifiCorp 1407 W. North Temple, Suite 320 Salt Lake City, UT 84116	801-220-2279	801-220-4615	<a href="mailto:Jordan.white@pacificorp.com">Jordan.white@pacificorp.com</a>
	Ezra Richards			<a href="mailto:Ezra.richards@pacificorp.com">Ezra.richards@pacificorp.com</a>
	R. Bryce Dalley			<a href="mailto:Bryce.dalley@pacificorp.com">Bryce.dalley@pacificorp.com</a>
<b>Commission Staff</b>	Gregory Trautman Assistant Attorney General 1400 S. Evergreen Park Dr. SW P.O. Box 40128 Olympia, WA 98504-0128	360-664-1187	360-586-5522	<a href="mailto:gtrautma@utc.wa.gov">gtrautma@utc.wa.gov</a>
<b>Public Counsel</b>	Sarah Shifley Public Counsel Section Office of Attorney General 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188	206-464-6595	206-464-6451	<a href="mailto:sarah.shifley@atg.wa.gov">sarah.shifley@atg.wa.gov</a>
	Lea Daeschel			<a href="mailto:lead@atg.wa.gov">lead@atg.wa.gov</a>
	Carol Williams			<a href="mailto:Carolw@atg.wa.gov">Carolw@atg.wa.gov</a>
<b>Industrial Customers of Northwest Utilities (ICNU)</b>	Melinda Davison and Irion Sanger Davison Van Cleve, P.C. 333 S.W. Taylor, Suite 400 Portland, OR 97204	503-241-7242	503-241-8160	<a href="mailto:mjd@dvclaw.com">mjd@dvclaw.com</a>  <a href="mailto:ias@dvclaw.com">ias@dvclaw.com</a>
	Donald W. Schoenbeck			<a href="mailto:dws@r-c-s-inc.com">dws@r-c-s-inc.com</a>
<b>The Energy Project</b>	Brad M.Purdy Attorney At Law 2019 N. 17 <sup>th</sup> Street Boise, ID 83702	208-384-1299	208-384-8511	<a href="mailto:bmpurdy@hotmail.com">bmpurdy@hotmail.com</a>
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**APPENDIX B  
PROCEDURAL SCHEDULE  
DOCKET UE-111190**

<u>EVENT</u>	<u>DATE</u>
Supplemental Filing by PacifiCorp <sup>3</sup>	August 29, 2011
Public Notice Report	October 14, 2011
Issue Discussion/Settlement Conference (parties only)	November 10, 2011
Initial Issues List (based on PacifiCorp's prefiled direct testimony and exhibits)	December 9, 2011
Public Comment Hearing	Date and location to be determined by separate notice
Staff, Public Counsel and Intervenor Responsive Testimony and Exhibits	January 6, 2012 <sup>4</sup>
Updated Issues List (based on Staff, Public Counsel, and Intervenor Responsive Testimony)	January 13, 2012
Company Rebuttal Testimony and Exhibits Staff, Public Counsel and Intervenor Cross-Answering Testimony and Exhibits	February 10, 2012 <sup>5</sup>
Final Issues List	February 21, 2012

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<sup>3</sup>See ¶ 8 of this Order.

<sup>4</sup> After January 6, 2012, responses to data requests are due seven business days after the request.

<sup>5</sup> After February 21, 2012, responses to data requests are due five business days after receipt.



**PROCEDURAL SCHEDULE** *(continued)*

<b><u>EVENT</u></b>	<b><u>DATE</u></b>
Discovery Deadline – Last day to issue Data Requests	February 21, 2012
Deadline for Cross-examination Exhibits	March 1, 2012
Prehearing Conference to Mark Exhibits (may be cancelled)	March 5, 2012
Evidentiary Hearing	March 6 and 7, 2012
Initial Post-hearing Briefs	March 30, 2012
Post-hearing Reply Brief	April 9, 2012
Suspension Date	May 31, 2012