

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

PACIFIC POWER & LIGHT  
COMPANY,

Respondent.

DOCKETS UE-191024, UE-190750,  
UE-190929, UE-190981, UE-180778  
*(Consolidated)*

ORDER 03/01//06

ORDER OF CONSOLIDATION;  
SUSPENSION; NOTICE  
EXTENDING TIME TO INTERVENE

PREHEARING CONFERENCE  
ORDER; NOTICE OF HEARING

**(Set to begin Monday, August 24,  
2020, at 9:30 a.m.)**

- 1 **NATURE OF PROCEEDING.** On December 13, 2019, Pacific Power & Light Company (Pacific Power or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective tariff, WN U-75 for Electric Service in Docket UE-191024. The proposed tariff revisions are designed to effect an increase in revenues of \$3.1 million from its Washington operations, offset by amortization of remaining deferred tax benefits associated with the Tax Cuts and Jobs Act of approximately \$7.1 million, resulting in an overall rate reduction of \$4 million, or approximately 1.1 percent.
- 2 On January 9, 2020, the Commission entered Order 01 in Docket UE-191024, suspending operation of the tariff revisions and setting this matter for adjudication.
- 3 On September 13, 2018, Pacific Power filed a petition for an accounting order in Docket UE-180778, requesting the Commission enter an order authorizing a change in depreciation rates applicable to the Company’s depreciable electric plant. The

Commission suspended that petition and set it for adjudication. On February 22, 2019, the Commission granted a request by the Company, unopposed by any party, to suspend the procedural schedule in that matter. The case was suspended until Pacific Power filed its general rate case or December 31, 2019, whichever occurred first.

- 4 On September 6, 2019, Pacific Power filed a petition for an order approving deferred accounting in Docket UE-190750 related to repowering the Leaning Juniper wind facility.
- 5 On November 8, 2019, Pacific Power filed a petition for deferral of costs related to purchases of renewable energy credits in Docket UE-190929.
- 6 On November 22, 2019, Pacific Power filed a petition for an order approving deferred accounting in Docket UE-190981 related to repowering the Marengo I, II, and Goodnoe Hills wind facilities.
- 7 On January 29, 2020, Commission staff (Staff) filed a motion to consolidate Dockets UE-190750, UE-190929, and UE-190981 with Pacific Power's general rate case, Docket UE-191024. Staff's motion asserts that the cases share facts and principles of law with the Company's general rate case, and states that no party opposes consolidation.
- 8 **CONFERENCE.** The Commission convened a prehearing conference in Docket UE-191024 at its headquarters in Lacey, Washington, on January 31, 2020, before Administrative Law Judge Andrew J. O'Connell.
- 9 At the prehearing conference, Staff moved orally for consolidation of Docket UE-180778 with Docket UE-191024, as well as Dockets UE-190750, UE-190929, UE-190981. The parties in attendance confirmed they do not oppose consolidation. Staff represented that it had conferred with Sierra Club, the only party to Docket UE-180778 not present at the prehearing conference for Docket UE-191024, and confirmed that Sierra Club did not oppose its motion to consolidate.
- 10 **CONSOLIDATION.** Pursuant to WAC 480-07-320, the Commission determines that the facts and principles of law in Dockets UE-191024, UE-190750, UE-190929, UE-190981, and UE-180778 are related. The Commission, therefore, grants Staff's motion to consolidate the dockets for adjudication. Consolidation of these dockets is also appropriate because it will allow the Commission, as well as the parties, to more efficiently direct resources for these matters.

- 11 **SUSPENSION.** The Commission finds that Pacific Power’s filings in Dockets UE-190750, UE-190929, and UE-190981 might injuriously affect the rights and interests of the public, and Pacific Power has not yet demonstrated that the resulting rates are fair, just, reasonable, and sufficient. The Commission, therefore, suspends the filings, will conduct an adjudicative proceeding, and hold public hearings, if necessary, to determine whether the requests are fair, just, reasonable, and sufficient.
- 12 **APPEARANCES.** Matthew McVee, Carla Scarsella, and Ajay Kumar, Legal Counsel for Pacific Power and Katherine McDowell, McDowell, Rackner & Gibson PC, Portland, Oregon, represent Pacific Power. Jennifer Cameron-Rulkowski, Jeff Roberson, Nash I. Callaghan, Joe M. Dallas, and Daniel J. Teimouri, Assistant Attorneys General, Olympia, Washington, represent Staff.<sup>1</sup> Nina M. Suetake, Ann Paisner, and Lisa W. Gafken, Assistant Attorneys General, Seattle, Washington, represent the Public Counsel Unit of the Washington State Attorney General’s Office (Public Counsel). Tyler Pepple, Curt R. Ledford, Corinne O. Milinovich, Davison Van Cleve, P.C., Portland, Oregon, represent Packaging Corporation of America (PCA). Simon J. ffitch, Attorney at Law, Bainbridge Island, Washington, represents The Energy Project. Vicki M. Baldwin, Parsons Behle & Latimer, Salt Lake City, Utah, and Alex Kronauer, Senior Manager, Energy Services, Walmart Stores, Inc., Bentonville, Arkansas, represent Walmart, Inc. (Walmart). Contact information for the representatives of those granted party status is attached as Appendix A to this Order.
- 13 **PETITIONS FOR INTERVENTION.** PCA, Walmart, and The Energy Project filed petitions to intervene. No party objected to these petitions. The Commission finds that the petitioners have each established a substantial interest in this proceeding and that their participation will be in the public interest. Accordingly, the Commission grants those petitions.
- 14 At the prehearing conference on January 31, 2020, the parties granted intervention to Pacific Power’s general rate case, Docket UE-191024, orally petitioned for intervention in the other consolidated dockets, Dockets UE-190750, UE-190929, UE-190981, and UE-180778. No party objected. The Commission finds that these petitioners have

---

<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 this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

established a substantial interest in these proceedings and that their participation will be in the public interest. Accordingly, the Commission grants those petitions.

- 15 **NOTICE EXTENDING TIME FOR INTERVENTION.** This Order consolidates Docket UE-191024 with Dockets UE-190750, UE-190929, UE-190981, and UE-180778. No formal notice of the opportunity to intervene in Dockets UE-190750, UE-190929, UE-190981, and UE-180778 was given prior to the prehearing conference in Docket UE-191024 on January 31, 2020. Additionally, Sierra Club, as the only party to Docket UE-180778 not in attendance at the prehearing conference for Docket UE-191024, did not have an opportunity, by reason of its status as a party in Docket UE-180778, to explain whether it also wished to be a party to the broader issues of the other dockets now consolidated with Docket UE-180778. For these reasons, the Commission finds good cause to extend the time for interested persons, including Sierra Club, to file petitions to intervene in the consolidated dockets. Accordingly, the Commission gives notice that any persons interested in intervening in Dockets UE-191024, UE-190750, UE-190929, UE-190981, and UE-180778, as consolidated, must submit a **petition to intervene by 5 p.m. on February 10, 2020**. Any **responses to such petitions** to intervene must be in writing and submitted to the Commission **by 5 p.m. on February 14, 2020**.
- 16 **PROTECTIVE ORDER.** The Commission entered a Protective Order, Order 02, in Docket UE-180778 on December 21, 2018. The Commission entered a Protective Order, Order 02, in Docket UE-191024 on January 13, 2020. No protective order has been sought in any of the other consolidated dockets. Therefore, for information marked as confidential in Docket UE-180778 or Docket UE-191024, any parties or witnesses seeking confidential information from either docket must submit the required agreement found in Order 02 of the appropriate docket.
- 17 **DISCOVERY.** Discovery will be conducted according to this Order, the procedural schedule attached to this Order as Appendix B, the Protective Order, and the Commission's discovery rules, WAC 480-07-400 – 425. The Commission urges the parties to work cooperatively to avoid having to bring discovery matters forward for formal resolution.
- 18 No party objects to the Commission making the exchange of data requests and responses with all parties a requirement for discovery in this case. Accordingly, the Commission requires the parties to share every data request and response with all parties, subject to any confidentiality limitations contained in Commission rule or the protective order issued in these dockets.

19 **PROCEDURAL SCHEDULE.** The parties presented an agreed procedural schedule at the prehearing conference. The Commission adopts this procedural schedule, with minor additions, which is attached to this Order as Appendix B.

20 **DOCUMENT FILING AND SERVICE REQUIREMENTS.** Parties must file and serve all pleadings, motions, briefs, and other prefiled materials in compliance with all of the following requirements:

- (a) Parties must submit electronic copies of all documents by 5 p.m. on the filing deadline established in the procedural schedule (or other deadline as applicable) unless the Commission orders otherwise. Parties must comply with WAC 480-07-140(6) in formatting, organizing, and identifying electronic files. Documents that include information designated as confidential must comply with the requirements in WAC 480-07-160 and the Protective Order in these dockets.
- (b) The Commission accepts only electronic versions of documents for formal filing. The Commission requires electronic copies to be in searchable .pdf format (adobe acrobat or comparable software), or to otherwise comply with WAC 480-07-140(6)(a). Parties must submit documents electronically through the Commission's web portal ([www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing)). If a party is unable to use the web portal to submit documents for filing, the Commission will accept a submission via email to records@utc.wa.gov provided the email: (1) explains the reason the documents are not being submitted via the web portal, and (2) complies with the requirements in WAC 480-07-140(5)(b).
- (c) Parties must also file an **original and three (3) paper copies** (with original signatures, if applicable) of all unredacted documents with the Commission by 5 p.m. on the next business day following the filing deadline established in the procedural schedule (or other deadline as applicable) unless the Commission orders otherwise. If any of the exhibits contain information designated as confidential, parties must file an electronic copy, only, of the redacted version in searchable .pdf (adobe acrobat or comparable software) of each such exhibit. All hard copy filings must be mailed or otherwise delivered to the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, Washington 98504-7250.
- (d) Documents filed with the Commission must conform to the formatting and other requirements in WAC 480-07-395 and WAC 480-07-460, and must comply with

the requirements in WAC 480-07-160 and the Protective Order in these dockets for documents that include information designated as confidential.

- (e) Parties must electronically serve the other parties<sup>2</sup> and provide courtesy electronic copies of filings to the presiding administrative law judge ([andrew.j.oconnell@utc.wa.gov](mailto:andrew.j.oconnell@utc.wa.gov)) by 5 p.m. on the filing deadline unless the Commission orders otherwise. If parties are unable to email copies, they may furnish electronic copies by delivering them on a flash drive only.

- 21 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and serve all proposed cross-examination exhibits by **5 p.m. on August 17, 2020**. The Commission requires electronic copies in searchable .pdf (adobe acrobat or comparable software), **an original, and three (3) paper copies of the exhibits**. If any of the exhibits contain information designated as confidential, parties must file an electronic copy, only, of the redacted version in searchable .pdf (adobe acrobat or comparable software) of each such exhibit. The exhibits must be grouped according to the witness the party intends to cross examine with the exhibits. The paper copies of the exhibits also must be organized into sets that are tabbed and labeled.
- 22 **EXHIBIT LISTS.** With each submission of prefiled testimony and exhibits, the party making the submission must include a preliminary exhibit list that identifies each submitted exhibit in the format the Commission uses for exhibit lists it prepares for evidentiary hearings. The Company will prepare and file its preliminary exhibit list for their initial filing in these dockets. Each party must file and serve a final list of all exhibits the party intends to introduce into the evidentiary record, including all prefiled testimony and exhibits, as well as cross-examination exhibits by **5 p.m. on August 17, 2020**.
- 23 **CROSS-EXAMINATION TIME ESTIMATES.** Each party must provide a list of witnesses the party intends to cross-examine at the evidentiary hearing and an estimate of the time that party anticipates the cross-examination of that witness will take. Parties should not file witness lists or cross-examination time estimates but must provide them to the administrative law judge ([andrew.j.oconnell@utc.wa.gov](mailto:andrew.j.oconnell@utc.wa.gov)) and the other parties by **5 p.m. on August 17, 2020**.

---

<sup>2</sup> See WAC 480-07-360(6).

- 24      **NOTICE OF HEARING.** The Commission will hold an evidentiary hearing in these dockets beginning on **August 24, 2020, at 9:30 a.m. and continuing on August 25, 2020, if necessary**, in the Commission’s Hearing Room, 621 Woodland Square Loop SE, Lacey, Washington.
- 25      **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 has limited ability to provide dispute resolution services. If you wish to explore those services, please contact Rayne Pearson, Director, Administrative Law Division ([rayne.pearson@utc.wa.gov](mailto:rayne.pearson@utc.wa.gov) or 360-664-1136).
- 26      **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 these dockets, subject to Commission review.**

DATED at Lacey, Washington, and effective February 3, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ *Andrew J. O’Connell*  
ANDREW J. O’CONNELL  
Administrative Law Judge

**APPENDIX A**  
**PARTIES' REPRESENTATIVES**  
**DOCKETS UE-191024, UE-190750, UE-190929, UE-190982, and UE-180778**  
*(Consolidated)*

<b>PARTY</b>	<b>REPRESENTATIVE</b>	<b>PHONE</b>	<b>E-MAIL</b>
Pacific Power	Matthew McVee Legal Counsel, PacifiCorp 825 NE Multnomah, Suite 2000 Portland, OR 97232	(503) 813-5585	<a href="mailto:matthew.mcvee@pacificorp.com">matthew.mcvee@pacificorp.com</a>
	Carla Scarsella		<a href="mailto:carla.scarsella@pacificorp.com">carla.scarsella@pacificorp.com</a>
	Ajay Kumar		<a href="mailto:ajay.kumar@pacificorp.com">ajay.kumar@pacificorp.com</a>
	Katherine McDowell McDowell, Rackner & Gibson PC 419 S.W. Eleventh Avenue, Suite 400 Portland, OR 97205	(503) 595-3924	<a href="mailto:Katherine@mrg-law.com">Katherine@mrg-law.com</a>
	Etta Lockey	(503) 813-5701	<a href="mailto:etta.lockey@pacificorp.com">etta.lockey@pacificorp.com</a>
	Ariel Son	(503) 813-5410	<a href="mailto:ariel.son@pacificorp.com">ariel.son@pacificorp.com</a>
	PacifiCorp Washington Dockets		<a href="mailto:washingtondockets@pacificorp.com">washingtondockets@pacificorp.com</a>
Commission Staff	Jennifer Cameron-Rulkowski Assistant Attorney General Office of the Attorney General Utilities and Transportation Division P.O. Box 40128 Olympia, WA 98504	(360) 664-1186	<a href="mailto:jennifer.cameron-rulkowski@utc.wa.gov">jennifer.cameron-rulkowski@utc.wa.gov</a>
	Jeff Roberson	(360) 664-1188	<a href="mailto:jeff.roberson@utc.wa.gov">jeff.roberson@utc.wa.gov</a>
	Nash I. Callaghan	(360) 664-1187	<a href="mailto:nash.callaghan@utc.wa.gov">nash.callaghan@utc.wa.gov</a>
	Joe M. Dallas	(360) 664-1192	<a href="mailto:joe.dallas@utc.wa.gov">joe.dallas@utc.wa.gov</a>
	Daniel J. Teimouri	(360) 664-1189	<a href="mailto:daniel.teimouri@utc.wa.gov">daniel.teimouri@utc.wa.gov</a>
	Jason Ball	(360) 664-1279	<a href="mailto:jason.ball@utc.wa.gov">jason.ball@utc.wa.gov</a>
	Cristina Steward		<a href="mailto:cristina.steward@utc.wa.gov">cristina.steward@utc.wa.gov</a>
	Krista Gross		<a href="mailto:krista.gross@utc.wa.gov">krista.gross@utc.wa.gov</a>
Betsy DeMarco		<a href="mailto:betsy.demarco@utc.wa.gov">betsy.demarco@utc.wa.gov</a>	



PARTY	REPRESENTATIVE	PHONE	E-MAIL
Public Counsel	Nina M. Suetake Assistant Attorney General Washington State Attorney General's Office Public Counsel Unit 800 5th Avenue, Suite 2000 Seattle, WA 98104-3188	(206) 464-6451	<a href="mailto:nina.suetake@atg.wa.gov">nina.suetake@atg.wa.gov</a>
	Ann Paisner	(206) 521-3211	<a href="mailto:ann.paisner@atg.wa.gov">ann.paisner@atg.wa.gov</a>
	Lisa W. Gafken	(206) 464-6595	<a href="mailto:Lisa.gafken@atg.wa.gov">Lisa.gafken@atg.wa.gov</a>
	Corey Dahl	(206) 464-6380	<a href="mailto:Corey.Dahl@atg.wa.gov">Corey.Dahl@atg.wa.gov</a>
	Thomas Johnson	(206) 254-0562	<a href="mailto:Thomas.johnson@atg.wa.gov">Thomas.johnson@atg.wa.gov</a>
	Chanda Mak	(206) 389-3972	<a href="mailto:ChandaM@atg.wa.gov">ChandaM@atg.wa.gov</a>
	Kevin Burdet	(206) 464-6215	<a href="mailto:kevin.burdet@atg.wa.gov">kevin.burdet@atg.wa.gov</a>
	Public Counsel Filing		<a href="mailto:PCCSeaEF@atg.wa.gov">PCCSeaEF@atg.wa.gov</a>
Packaging Corporation of America	Tyler C. Pepple Davison Van Cleve, P.C. 1750 SW Harbor Way, Suite 450 Portland, OR 97201	(503) 241-7242	<a href="mailto:tcp@dvclaw.com">tcp@dvclaw.com</a>
	Curt R. Ledford		<a href="mailto:crl@dvclaw.com">crl@dvclaw.com</a>
	Corinne O. Milinovich		<a href="mailto:com@dvclaw.com">com@dvclaw.com</a>
	Patrick Loupin Corporate Purchasing Manager – Energy Packaging Corporation of America P.O. Box 990050 PCA, ID 83799-0050		<a href="mailto:PatrickLoupin@packagingcorp.com">PatrickLoupin@packagingcorp.com</a>
	Lance D. Kaufman	(541) 515-0380	<a href="mailto:lance@aegisinsight.com">lance@aegisinsight.com</a>
	Bradley G. Mullins	(503) 954-2852	<a href="mailto:brmullins@mwanalytics.com">brmullins@mwanalytics.com</a>
	Michael P. Gorman	(636) 898-6725	<a href="mailto:mgorman@consultbai.com">mgorman@consultbai.com</a>
	Jesse O. Gorsuch Sally D. Wilhelms		<a href="mailto:jog@dvclaw.com">jog@dvclaw.com</a> <a href="mailto:swilhelms@consultbai.com">swilhelms@consultbai.com</a>
The Energy Project	Simon J. ffitch Attorney at Law 321 High School Rd. NE, Suite D3, Box No. 383 Bainbridge Island, WA 98110	(206) 669-8197	<a href="mailto:simon@ffitchlaw.com">simon@ffitchlaw.com</a>
	Carol Baker		<a href="mailto:carol@ffitchlaw.com">carol@ffitchlaw.com</a>
	Shawn Collins The Energy Project 3406 Redwood Avenue Bellingham, WA 98225	(360) 389-2410	<a href="mailto:shawnc@oppco.org">shawnc@oppco.org</a>

PARTY	REPRESENTATIVE	PHONE	E-MAIL
Walmart, Inc.	Vicki M. Baldwin Parsons Behle & Latimer 201 South Main Street, Suite 1800 Salt Lake City, Utah 84111	(801) 532-1234	<a href="mailto:ybaldwin@parsonsbehle.com">ybaldwin@parsonsbehle.com</a>
	Alex Kronauer Senior Manager, Energy Services Walmart Stores, Inc. 2608 Southeast J Street Bentonville, Arkansas 72712-0550	(479) 204-7993	<a href="mailto:Alex.Kronauer@walmart.com">Alex.Kronauer@walmart.com</a>
	Walmart Stores, Inc. 2608 Southeast J Street Bentonville, Arkansas 72712-0550		

**APPENDIX B  
 PROCEDURAL SCHEDULE  
 DOCKETS UE-191024, UE-190750, UE-190929,  
 UE-190981, UE-180778 (Consolidated)**

EVENT	DATE
General Rate Case Filing	<b>December 13, 2019</b>
Prehearing Conference	<b>January 31, 2020</b>
Deadline for Petitions to Intervene	<b>February 10, 2020</b>
Deadline for Responses to Petitions to Intervene	<b>February 14, 2020</b>
Company Supplemental Direct Testimony re Jim Bridger and Colstrip Unit 4 Decommissioning Studies	<b>April 1, 2020<sup>3</sup></b>
Initial Settlement Conference	<b>April 20, 2020<sup>4</sup></b>
Staff, Public Counsel, and Intervenor Response Testimony and Exhibits <sup>5</sup>	<b>June 2, 2020</b>
Company Circulates Draft Joint Issues Matrix	<b>June 8, 2020</b>
Second Settlement Conference	<b>June 12, 2020</b>
Notice Issued for Public Comment Hearing	<b>At least 30 days prior to Public Comment Hearing</b>
Company Rebuttal Testimony and Exhibits; Staff, Public Counsel, and Intervenor Cross-Answering Testimony and Exhibits <sup>6</sup>	<b>July 15, 2020</b>

<sup>3</sup> Response time to data requests relating to this testimony will be 5 business days.

<sup>4</sup> Per WAC 480-07-700(5)(a), parties may reschedule a settlement conference included in the procedural schedule without seeking to modify the schedule if all parties agree, but the parties must provide notice to the presiding officer of the rescheduled date.

<sup>5</sup> Response time to data requests relating to this testimony will be 7 business days.

<sup>6</sup> Response time to data requests relating to this testimony will be 5 business days.

Public Comment Hearing(s)	<b>TBD (Exact date and location to be determined by separate notice)</b>
Discovery Cutoff – Last Day to Issue Data Requests <sup>7</sup>	<b>August 7, 2020</b>
Company Files Joint Issues Matrix	<b>August 10, 2020</b>
Exhibits List, Cross-Examination Exhibits, Witnesses List, Time Estimates, Exhibits Errata	<b>August 17, 2020</b>
Evidentiary Hearing	<b>August 24, 2020, at 9:30 a.m. and August 25, 2020, if necessary</b>
Initial Briefs	<b>September 25, 2020</b>
Reply Briefs	<b>October 16, 2020</b>
Suspension Date <sup>8</sup>	<b>January 1, 2021</b>

<sup>7</sup> Response time to data requests will be 5 business days.

<sup>8</sup> Based on a 10-month suspension from the stated effective date of March 1, 2020, on the as-filed tariff sheets, per RCW 80.04.130.