

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

In the Matter of the Petition of)	DOCKET NO. UE-050990
)	
PACIFICORP d/b/a Pacific)	ORDER NO. 01
Power & Light Company,)	
)	
Petitioner,)	
)	
Seeking Temporary Exemption)	
from the Provisions of)	
WAC 480-107-060 (2)(b) Relating to)	ORDER GRANTING
Bid Solicitation in Conjunction)	TEMPORARY EXEMPTION
with Request for Proposals (RFP))	FROM WAC 480-107-060 (2)(b)
.....)	

BACKGROUND

- 1 On September 6, 2005, PacifiCorp d/b/a Pacific Power & Light Company (PacifiCorp or the Company) filed a petition requesting temporary exemption from WAC 480-107-060 (2)(b). This requires the Commission to take action on the draft RFP no later than 30 days after the period for public comment ends. The comment period ended August 29, 2005, and the regular open meeting of the Commission September 28, 2005, is within the time allowed for action.
- 2 On September 26, 2005, the Company filed another petition in this docket. This petition revised the previous time estimate for revising planning studies and determining the impact on the amount and timing of new power resources.
- 3 WAC 480-107-060 (2)(a) requires electric companies to file a draft Request for Proposal (RFP) within ninety days of filing their final Least Cost Plan (LCP). PacifiCorp filed its LCP on January 20, 2005. By Order No. 01 in Docket UE-050605 the Company was granted exemption from WAC 480-107-060(2)(a) and received extension for draft RFP filing until July 20, 2005, on the grounds

that the challenges of complying with the requirements of all its jurisdictions make simultaneous, timely filings administratively burdensome.

- 4 The request for waiver of WAC 480-107-060(2)(b) is supported by evidence that the fundamental facts underlying any draft RFP, namely the size of the resource block solicited and the required time frame for delivery, are under revision. The Company is reviewing these facts and is revising its LCP as well. The LCP is expected to be updated during October, 2005. The Company asserts that they will have made adequate assessments and will have recalculated the expected time and magnitude of their resource needs by November 30, 2005.
- 5 Commission Staff reviewed the request and recommends granting PacifiCorp's request for temporary exemption, subject to the following conditions: (a) that the Company file a revision to the draft RFP no later than November 30, 2005, and (b) present it at a regularly scheduled open meeting soon thereafter.

FINDINGS AND CONCLUSIONS

- 6 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate rates, rules, regulations, practices, accounts, securities, and transfers of public service companies, including electric companies. *RCW 80.01.040; Chapter 80.04 RCW and Chapter 80.28 RCW.*
- 7 (2) PacifiCorp is engaged in the business of providing electric services within the state of Washington and is a public service company subject to the jurisdiction of the Commission under the provisions of Chapter 80.28 RCW.

- 8 (3) PacifiCorp is subject to the provisions of WAC 480-107-060; requiring electric companies to file their draft RFP with the Commission within ninety days of the electric utility's filing of its final Least Cost Plan and requiring the Commission to act upon this draft RFP within 30 days of the end of public comment period.
- 9 (4) WAC 480-107-170 (3) provides that the Commission may grant an exemption from the provisions of any rule in Chapter 480-107 WAC, if consistent with the public interest, the purposes underlying regulation and applicable statutes.
- 10 (5) This matter was brought before the Commission at its regularly scheduled meeting on September 28, 2005, within the allowed time for action under WAC 480-107-060(2)(b).
- 11 (6) After review of the petition filed in Docket UE-050990 by PacifiCorp on September 5, 2005, and giving due consideration, the Commission finds that the temporary exemption is reasonable and should be granted.

ORDER

THE COMMISSION ORDERS:

- 12 (1) After the effective date of this Order, PacifiCorp d/b/a Pacific Power & Light Company is granted an exemption from WAC 480-107-060(2)(b). The commission may grant such exemptions to these rules as may be appropriate in individual cases.

- 13 (2) This temporary exemption is subject to the following conditions:
- a) PacifiCorp d/b/a Pacific Power & Light Company shall provide revisions to the draft RFP no later than November 30, 2005.
 - b) The matter will be heard in a regularly scheduled Open Meeting soon afterwards.
- 14 (3) The Commission retains jurisdiction over the subject matter and PacifiCorp Corporation d/b/a Pacific Power & Light Company to effectuate the provisions of this Order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective this 28th day of September, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary