**BEFORE THE WASHINGTON STATE**

**UTILITIES AND TRANSPORTATION COMMISSION**

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| In the Matter of the Application of  Company 1AVISTA CORPORATION,  Co. 1  Petitioner,  For an Order Establishing Compliance with the Provisions of RCW 80.08.040, with Respect to its Proposal to issue up to $250,000,000 of various debt arrangements  . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . | ) ) ) ) ) ) ) ) ) ) )  ) | DOCKET UE-081842  ORDER 0103  ORDER ESTABLISHING COMPLIANCE WITH RCW 80.08.040, SECURITIES |

# BACKGROUND

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1. On January 1, 2025October 10, 2008, pursuant to RCW 80.01.040, Avista Corporation (Avista or Company) filed with the Washington Utilities and Transportation Commission (Commission) its notice of a planned securities issuance and requested an order affirming compliance with RCW 80.08.040. At that time, Avista proposed to issue and sell up to $150,000,000 of new debt. On October 16, 2008, the Company revised its notice of an increase in the amount of debt it plans to sell to $225,000,000. The Company also filed supplemental information specifying the anticipated terms and conditions for the new securities. On October 17, 2008, the Commission issued its Order 01 stating that Avista was in compliance with RCW 80.08.040.
2. On November 6, 2008, Avista filed additional notice with the Commission stating that there were, again, changes to the securities it planned to issue and sell. On November 7, 2008, the Commission issued Order 02 stating that Avista was in compliance with RCW 80.08.040. On November 26, 2008, the Company entered into a $200,000,000 credit facility under the authority granted in Order 02.
3. On October 2, 2009, Avista filed an amended notice with the Commission stating that the Company planned to replace its $200,000,000 credit facility entered into under the authority granted in Order 02 with a new credit facility in November 2009. According to the amended notice the Company expects to incur different fees associated with the new facility, and the spreads it expects are now different due to changes in capital market conditions. The amended notice seeks an order from the Commission stating that Avista is in compliance with the requirements of Chapter 80.08 RCW in connection with the entry into this new credit facility. According to Avista’s revised notice, there appears to be no other changes to the security, nor any other changes with respect to the notice requirements required under Chapter 80.08 RCW.

**FINDINGS AND CONCLUSIONS**

1. (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, rules, regulations, practices, accounts, securities, transfers of property and affiliated interests of public service companies, including and natural gas companies. [*RCW 80.01.040*](http://apps.leg.wa.gov/RCW/default.aspx?cite=80.01.040)*,* [*RCW 80.04*](http://apps.leg.wa.gov/RCW/default.aspx?cite=80.04)*,* [*RCW 80.08*](http://apps.leg.wa.gov/RCW/default.aspx?cite=80.08)*,* [*RCW 80.12*](http://apps.leg.wa.gov/RCW/default.aspx?cite=80.12)*,* [*RCW 80.16*](http://apps.leg.wa.gov/RCW/default.aspx?cite=80.16) *and* [*RCW 80.28*](http://apps.leg.wa.gov/RCW/default.aspx?cite=80.28)*.*
2. (2) Avista is engaged in the business of providing electricity and natural gas service within the state of Washington. As a public service company, it is subject to Commission jurisdiction.
3. (3) The application Avista filed meets the requirements of [*RCW 80.08*](http://apps.leg.wa.gov/RCW/default.aspx?cite=80.08) which govern the issuance of securities by public service companies*.*
4. (4) The information Avista filed in this docket contains: (a) a certification by an authorized officer that the proceeds will be used for one or more purposes allowed by [RCW 80.08.030](http://apps.leg.wa.gov/RCW/default.aspx?cite=80.08.030); (b) a description of the proposed issuance, including the terms of financing, and (c) a statement as to why the proposed transaction is in the public interest. *See WAC 480-100-242 & WAC-480-90-242*.
5. (5) After reviewing the revised information Avista filed in Docket UE-081842 on October 2, 2009, the Commission finds that Avista is in compliance with the filing requirements of RCW 80.08.040.

# O R D E R

**THE COMMISSION ORDERS:**

1. (1) Avista is in compliance with the requirements of RCW 80.08.040 with respect to the proposal in its notice to issue and sell up to $250,000,000 of various debt arrangements.
2. (2) Avista will file a Report of Securities Issued as required by WAC 480-100-262 and WAC 480-90-262. Avista is also required to file verified copies of any agreement entered into in connection with any transaction pursuant to this Order. Finally, Avista shall file a verified statement setting forth in reasonable detail the disposition of the proceeds of each offering made pursuant to this Order.
3. (3) This Order shall in no way affect the authority of the Commission over rates, services, accounts, valuations, estimates, or determination of costs, or any matters that may come before it. Nothing in this Order shall be construed as an agreement to any estimate or determination of costs, or any valuation of property claimed or asserted.

The Secretary finding this filing complies with the requirements of

[RCW 80.08](http://apps.leg.wa.gov/RCW/default.aspx?cite=80.08) enters this Order pursuant to WAC 480-07-904(1)(f).

DATED at Olympia, Washington, and effective November 13, 2009.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary