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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF THURSTON

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PACIFICORP d/b/a PACIFIC POWER & LIGHT COMPANY,  Petitioner,  vs.  WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION, a Washington state agency,  Respondent.
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No. 12-2-02667-7  
[Clerk's Action Required]

STIPULATED MOTION AND ORDER  
FOR DISMISSAL WITH PREJUDICE

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**I. STIPULATION**

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Petitioner PacifiCorp d/b/a Pacific Power & Light Company ("PacifiCorp"), Respondent Washington Utilities and Transportation Commission ("WUTC"), and Respondent-Intervenor Industrial Customers of Northwest Utilities ("ICNU") hereby stipulate to the dismissal with prejudice of PacifiCorp's petition for judicial review in this case. Respondent-Intervenor Public Counsel Division of the Washington Attorney General's Office ("Public Counsel") does not oppose this stipulated motion for dismissal. The parties further stipulate that the dismissal will be without the award of costs or attorneys' fees to any party.

1 This case previously was on direct review before the Washington Court of Appeals,  
2 Division II, under RCW 34.05.518, with the appellate case number of No. 44591-3-II. On  
3 July 17, 2014, the Washington Court of Appeals, Division II, issued its mandate in Case No.  
4 44591-3-II to certify that it considered and granted a stipulated motion to dismiss  
5 PacifiCorp's appeal in Case No. 44591-3-II, based on a stipulated settlement. True and  
6 correct copies of the mandate and order of dismissal in Case No. 44591-3-II are attached to  
7 the declaration of Jay T. Waldron filed with this motion.

8 Based on their stipulated settlement, and the foregoing order of dismissal in Case No.  
9 44591-3-II, PacifiCorp, WUTC, and ICNU now move this Court to enter an order of  
10 dismissal with prejudice of this case, with no fees or costs to any party.

11 SO STIPULATED this 5th day of August 2014.

12 SCHWABE, WILLIAMSON & WYATT, P.C.

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15 By: 

Averil Rothrock, WSBA #24248  
[arothrock@schwabe.com](mailto:arothrock@schwabe.com)  
Jay T. Waldron, *Pro Hac Vice*  
[jwaldron@schwabe.com](mailto:jwaldron@schwabe.com)

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18 *Attorney for Petitioner PacifiCorp*

19 McDOWELL RACKNER & GIBSON, P.C.

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21 By: 

Katherine A. McDowell, WSBA #18560  
[katherine@mcd-law.com](mailto:katherine@mcd-law.com)

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26 *Attorney for Petitioner PacifiCorp*

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SO STIPULATED this 5th day of August 2014.

OFFICE OF ATTORNEY GENERAL  
WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION

By: Sally Brown by [Signature]  
Sally Brown, WSBA # 17094  
Senior Assistant Attorney General  
[sbrown@utc.wa.gov.com](mailto:sbrown@utc.wa.gov.com)

*Attorney for Respondent Washington Utilities  
and Transportation Commission*

SO STIPULATED this 5th day of August 2014.

DAVISON VAN CLEVE, P.C.

By: Melinda Davison by [Signature]  
Melinda Davison, WSBA #31182  
[mjd@dvclaw.com](mailto:mjd@dvclaw.com)

*Attorney for Intervenor Industrial  
Customers of Northwest Utilities*

**II. ORDER**

Based upon the Stipulation of the parties, it is hereby ORDERED, ADJUDGED,  
AND DECREED that:

1. The above-entitled matter is dismissed with prejudice.
2. The matter is dismissed without fees or costs to any party.
3. By this order, the Clerk of the Thurston County Superior Court is authorized to return the agency record to the Respondent, Washington Utilities and Transportation Commission, without further action of this Court.

Dated this 7<sup>th</sup> day of Aug., 2014.

[Signature]  
Superior Court Judge  
Comm.

**REBEKAH ZINN**  
COURT COMMISSIONER

STIPULATED MOTION AND ORDER FOR DISMISSAL  
WITH PREJUDICE - 3

SCHWABE, WILLIAMSON & WYATT, P.C.  
Attorneys at Law  
U.S. Bank Centre  
1420 5th Avenue, Suite 3400  
Seattle, WA 98101-4010  
Telephone: 206.622.1711

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF THURSTON

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PACIFICORP d/b/a PACIFIC POWER &  
LIGHT COMPANY,

Petitioner,

vs.

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WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION, a  
Washington state agency,

Respondent.

No. 12-2-02667-7  
[Clerk's Action Required]

DECLARATION OF JAY WALDRON  
IN SUPPORT OF STIPULATED  
MOTION AND ORDER FOR  
DISMISSAL WITH PREJUDICE

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1. I am one of the attorneys for PacifiCorp d/b/a Pacific Power & Light Company ("PacifiCorp"), the petitioner in the above-captioned proceeding. I make this declaration in support of the Stipulated Motion and Order for Dismissal with Prejudice filed with the declaration. This declaration is based upon my own personal knowledge. I am over 18 years of age, am of sound mind, and am fully competent to testify to the matters stated herein.

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2. This case previously was on direct review before the Washington Court of Appeals, Division II, under RCW 34.05.518, with the appellate case number of No. 44591-3-II. During the appellate proceedings, PacifiCorp, Respondent Washington Utilities and Transportation Commission ("WUTC"), and Respondent-Intervenor Industrial Customers of Northwest Utilities ("ICNU") entered into a stipulated settlement. Respondent-Intervenor

DECLARATION OF JAY WALDRON IN SUPPORT OF  
STIPULATED MOTION AND ORDER FOR DISMISSAL  
WITH PREJUDICE - 1

SCHWABE, WILLIAMSON & WYATT, P.C.  
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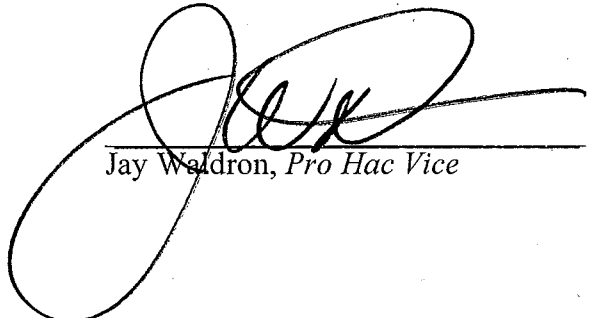
1 Public Counsel Division of the Washington Attorney General's Office ("Public Counsel")  
2 did not oppose the stipulated settlement.

3 3. On July 17, 2014, the Washington Court of Appeals, Division II, issued its  
4 mandate in Case No. 44591-3-II to certify that it considered and granted a stipulated motion  
5 to dismiss PacifiCorp's appeal in Case No. 44591-3-II, based on the stipulated settlement.

6 4. A true and correct copy of the Mandate, dated July 17, 2014, is attached as  
7 Exhibit A to this declaration. A true and correct copy of the Order Lifting Stay and Granting  
8 Dismissal, dated July 14, 2014, preceding the Mandate, is attached as Exhibit B to this  
9 declaration.

10 I declare under penalty of perjury under the laws of the State of Washington that the  
11 foregoing is true and correct.

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13 Dated this 5th day of August, 2014.

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16 Jay Waldron, *Pro Hac Vice*  
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**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON**

**DIVISION II**

PACIFICORP d/b/a PACIFIC POWER &  
LIGHT COMPANY,

Appellant,

v.

WASHINGTON UTILITIES &  
TRANSPORTATION COMMISSION, a  
Washington State Agency,  
Respondent,

And

PUBLIC COUNSEL,  
Intervenor,

And

INDUSTRIAL CUSTOMERS OF  
NORTHWEST UTILITIES,  
Intervenor.

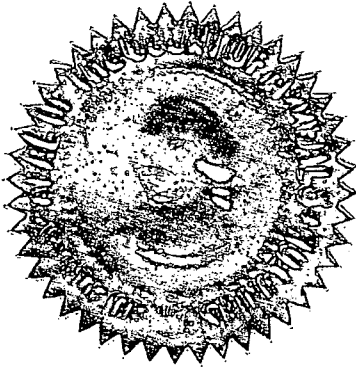
No. 44591-3-II

MANDATE

Thurston County Cause No.  
12-2-02667-7

The State of Washington to: The Superior Court of the State of Washington  
in and for Thurston County

This is to certify that the Court of Appeals of the State of Washington, Division II, considered and granted a motion to dismiss the appeal in the above entitled case on July 14, 2014. Accordingly, this cause is mandated to the Superior Court from which the appeal was taken for further proceedings in accordance with the determination of that court.



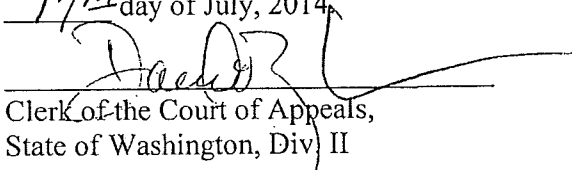
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Sarah Elizabeth Wallace  
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Portland, OR, 97232-2149  
sarah.wallace@pacificorp.com

Jay T. Waldron  
Schwabe Williamson & Wyatt  
1211 S.W. 5th Avenue, Suite 1900  
Portland, OR, 97204  
jwaldron@schwabe.com

IN TESTIMONY WHEREOF, I have  
hereunto set my hand and affixed the  
seal of said Court at Tacoma, this  
17<sup>th</sup> day of July, 2014.

  
Clerk of the Court of Appeals,  
State of Washington, Div. II

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ryan.flynn@pacificorp.com

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION II

PACIFICORP d/b/a PACIFIC POWER &  
LIGHT COMPANY,

Appellant,

v.

WASHINGTON UTILITIES &  
TRANSPORTATION COMMISSION, a  
Washington state agency,

Respondent,

And

PUBLIC COUNSEL,

Intervenor,

And

INDUSTRIAL CUSTOMERS OF  
NORTHWEST UTILITIES,

Intervenor.

No. 44591-3-II

ORDER LIFTING STAY  
AND GRANTING DISMISSAL

*[Signature]*  
BY  
COURT CLERK

2014 JUL 14 PM 12:35  
STATE OF WASHINGTON

COURT OF APPEALS  
DIVISION II

After the court entered a stay of proceedings on June 5, 2014, the parties carried out their duties under a settlement agreement, which the WASHINGTON UTILITIES & TRANSPORTATION COMMISSION has now approved. The Appellant, the Respondent and Intervenor Industrial Customers have now joined in a motion to dismiss the appeal with prejudice, without an award of fees or costs. Intervenor Public Counsel does not oppose this motion. After review, it is hereby

ORDERED that the stay entered on June 5, 2014 is hereby lifted. It is further



44591-3-II

ORDERED that this appeal is dismissed with prejudice and without an award of attorney fees or costs to any party.

DATED this 14<sup>th</sup> day of July, 2014.

Johanson, C.J.  
JOHANSON, C.J.