

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

AVISTA CORPORATION, d/b/a
AVISTA UTILITIES,

Respondent.

DOCKETS UE-200900 & UG-200901
(Consolidated)

ORDER 03

PREHEARING CONFERENCE
ORDER; NOTICE OF HEARING

(Set for Wednesday, July 7, 2021, at
9:30 a.m.)

- 1 **NATURE OF PROCEEDING.** On October 30, 2020, Avista Corporation, d/b/a Avista Utilities, (Avista or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions in Docket UE-200900 to its currently effective electric service tariff, Tariff WN U-28, and in Docket UG-200901 to its natural gas service tariff, Tariff WN U-29, designed to effect a general rate increase for electric and natural gas service.
- 2 In its filing, Avista proposed an overall increase in electric base revenues of \$44.2 million, or 8.3 percent, and an overall increase in natural gas base revenues of \$12.8 million, or 12.2 percent, effective October 1, 2021. The Company's proposal is based on a common equity ratio of 50.0 percent, a 9.9 percent return on equity, and an overall rate of return of 7.43 percent. Avista proposed a Tax Customer Credit, through its Tax Accounting Petition filed with this case, which offsets the proposed increases from its tariff revisions on a billed revenue basis to 0.0 percent for both its electric and natural gas service.
- 3 On November 25, 2020, the Commission entered Order 01, consolidating Dockets UE-200900 and UG-200901, suspending the tariffs, and setting the matters for adjudication.

4 On December 11, 2020, Commission staff (Staff) filed a Motion for Consolidation of
Proceedings Pursuant to WAC 480-07-320 (Motion) for the purposes of consolidating
Docket UE-200894 with Dockets UE-200900 and UG-200901 (*Consolidated*). The
Commission required any responses to Staff’s Motion to be filed with the Commission by
5 p.m. on Friday, December 18, 2020.

5 **CONFERENCE.** The Commission convened a virtual prehearing conference on
December 14, 2020, before Administrative Law Judge Andrew J. O’Connell.

6 **APPEARANCES.** David J. Meyer, Vice President and Chief Counsel for Regulatory and
Governmental Affairs, Spokane, Washington, represents Avista. Jennifer Cameron-
Rulkowski, Jeff Roberson, Nash I. Callaghan, Harry Fukano, Joe M. Dallas, and Daniel J.
Teimouri, Assistant Attorneys General, Olympia, Washington, represent Commission
staff (Staff).¹ Nina Suetake, Assistant Attorney General, Seattle, Washington, represents
the Public Counsel Unit of the Attorney General’s Office (Public Counsel). Brent L.
Coleman and Corinne O. Milinovich, Davison Van Cleve, P.C., Portland, Oregon,
represent the Alliance of Western Energy Consumers (AWEC). Tyler Pepple and Riley
Peck, Davison Van Cleve, P.C., Portland, Oregon, represent the Inland Empire Paper
Company (Inland Empire). Simon J. ffitich, Attorney at Law, Bainbridge Island,
Washington, represents The Energy Project. Jessica Yarnall Loarie, Attorney at Law,
Oakland, California, represents Sierra Club. Contact information for the representatives
of those granted party status is attached as Appendix A to this Order.

7 **PETITIONS FOR INTERVENTION.** AWEC, Inland Empire, The Energy Project, and
Sierra Club filed petitions to intervene. No party objected to the petitions. The
Commission finds that these petitioners have established a substantial interest in this
proceeding and that their participation will be in the public interest. Accordingly, the
Commission grants those petitions.

8 **PROTECTIVE ORDER.** The Commission entered a Protective Order, Order 02, in
Dockets UE-200900 and UG-200901 (*Consolidated*) on December 9, 2020. For

¹ 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.

information marked as confidential in Docket UE-200900 and UG-200901, any parties or witnesses must submit the required agreement found in Order 02.

- 9 **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.
- 10 The Parties agree to certain discovery practices that will facilitate the sharing of all data requests and responses with all Parties as well as the tracking and organizing of those data requests and responses. Therefore, the Parties agree to provide all Parties with each data request at the time it is propounded and each data request response at the time it is served on the requestor. In addition, the Parties agree to identify each data request by subject (1) above each data request, (2) in the cover letter, and (3) in the distribution email. The Parties agree to group data requests propounded in a single set by subject in the cover letter and distribution email. The Parties agree to cooperate to develop a uniform list of subjects to facilitate discovery tracking. These agreements to facilitate the sharing and tracking of discovery are not intended to limit or restrict discovery in any way. The Commission approves and adopts the Parties' agreements applicable to discovery in these consolidated dockets.
- 11 **PROCEDURAL SCHEDULE.** The parties presented an agreed procedural schedule at the prehearing conference. The Commission adopts this procedural schedule, with minor modifications,² which is attached to this Order as Appendix B.
- 12 **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.

² The Commission has a regularly scheduled Open Meeting set for the morning of July 8, 2021. Therefore, the Commission will continue the evidentiary hearing if it lasts for longer than one day on Friday, July 9, 2021, at 9:30 a.m.

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). 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 and provide courtesy electronic copies of filings to the presiding administrative law judge (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.

13 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and serve all proposed cross-examination exhibits by **5 p.m. on June 30, 2021**. 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.

- 14 **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 June 30, 2021.**
- 15 **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) and the other parties by **5 p.m. on June 30, 2021.**
- 16 **NOTICE OF HEARING.** The Commission will hold an evidentiary hearing in these dockets on **July 7, 2021, at 9:30 a.m. and continuing on July 9, 2021, if necessary,** in the Commission's Hearing Room, 621 Woodland Park Square Loop SE, Lacey, Washington.³
- 17 **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 or 360-664-1136).

³ The Commission has a regularly scheduled Open Meeting set for the morning of July 8, 2021. Therefore, the Commission will continue the evidentiary hearing if it lasts for longer than one day and reconvene on Friday, July 9, 2021, at 9:30 a.m.

18 **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 December 21, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ *Andrew J. O'Connell*

ANDREW J. O'CONNELL
Administrative Law Judge

**APPENDIX A
PARTIES' REPRESENTATIVES
DOCKETS UE-200900 & UG-200901**

PARTY	REPRESENTATIVE	PHONE	E-MAIL
Avista Corp.	David J. Meyer, Esq. VP and Chief Counsel for Regulatory and Governmental Affairs Avista Corp. P.O. Box 3727 1411 E. Mission Avenue, MSC-27 Spokane, WA 99220-3727	(509) 495-4316	david.meyer@avistacorp.com
	Patrick D. Ehrbar Director of Regulatory Affairs Avista Corp. P.O. Box 3727 1411 E. Mission Ave, MSC-27 Spokane, WA 99220-3727	(509) 495-8620	patrick.ehrbar@avistacorp.com
	Avista Dockets		dockets@avistacorp.com
Commission Staff	Jennifer Cameron-Rulkowski Assistant Attorney General Office of the Attorney General Utilities and Transportation Division P.O. Box 40128 Olympia, WA 98504-7250	(360) 664-1186	jennifer.cameron-rulkowski@utc.wa.gov
	Jeff Roberson	(360) 664-1188	jeff.roberson@utc.wa.gov
	Nash I. Callaghan	(360) 664-1187	nash.callaghan@utc.wa.gov
	Harry Fukano	(360) 664-1225	harry.fukano@utc.wa.gov
	Joe M. Dallas	(360) 664-1192	joe.dallas@utc.wa.gov
	Daniel J. Teimouri	(360) 664-1189	daniel.teimouri@utc.wa.gov
	Chris McGuire	(360) 664-1310	chris.mcguire@utc.wa.gov
	Kristen Hillstead		kristen.hillstead@utc.wa.gov
	Hang Nguyen-Le		hang.nguyen-le@utc.wa.gov
Betsy DeMarco		betsy.demarco@utc.wa.gov	

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	nina.suetake@atg.wa.gov
	Lisa W. Gafken		lisa.gafken@atg.wa.gov
	Ann N.H. Paisner		ann.paisner@atg.wa.gov
	Corey Dahl		corey.dahl@atg.wa.gov
	Shay Bauman		shay.bauman@atg.wa.gov
	Thomas Johnson		thomas.johnson@atg.wa.gov
	Kevin Burdett		kevin.burdett@atg.wa.gov
	Chanda Mak		chanda.mak@atg.wa.gov
	Public Counsel E-Filing		PCCSeaEF@atg.wa.gov
AWEC	Brent L. Coleman Davison Van Cleve, P.C. 1750 SW Harbor Way, Suite 450 Portland, OR 97201	(503) 241-7242	blc@dvclaw.com
	Corinne O. Milinovich	(503) 241-7242	com@dvclaw.com
	Jesse O. Gorsuch	jog@dvclaw.com	
Inland Empire Paper Company	Tyler C. Pepple Davison Van Cleve, P.C. 1750 SW Harbor Way, Suite 450 Portland, OR 97201	(503) 241-7242	tcp@dvclaw.com
	Brad Van Cleve	(503) 241-7242	bvc@dvclaw.com
	Jesse O. Gorsuch	jog@dvclaw.com	
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	simon@ffitchlaw.com
	Carol Baker	carol@ffitchlaw.com	
	Shawn Collins The Energy Project 3406 Redwood Avenue Bellingham, WA 98225	(360) 389-2410	shawnc@oppco.org
Sierra Club	Jessica Yarnall Loarie Sierra Club Environmental Law Program 2101 Webster St., Suite 1300 Oakland, CA 94612	(415) 977-5636	jessica.yarnall@sierraclub.org
	Doug Howell		doug.howell@sierraclub.org
	Ezra Hausman		ezra@ezrahausman.com
	Miriam Raffel-Smith		miriam.raffel-smith@sierraclub.org

PARTY	REPRESENTATIVE	PHONE	E-MAIL
All Email Addresses	david.meyer@avistacorp.com, patrick.ehrbar@avistacorp.com, dockets@avistacorp.com, jennifer.cameron-rulkowski@utc.wa.gov, jeff.roberson@utc.wa.gov, nash.callaghan@utc.wa.gov, harry.fukano@utc.wa.gov, joe.dallas@utc.wa.gov, daniel.teimouri@utc.wa.gov, chris.mcguire@utc.wa.gov, kristen.hillstead@utc.wa.gov, hang.nguyen-le@utc.wa.gov, betsy.demarco@utc.wa.gov, nina.suetake@atg.wa.gov, lisa.gafken@atg.wa.gov, ann.paisner@atg.wa.gov, corey.dahl@atg.wa.gov, shay.bauman@atg.wa.gov, thomas.johnson@atg.wa.gov, kevin.burdett@atg.wa.gov, chanda.mak@atg.wa.gov, PCCSeaEF@atg.wa.gov, blc@dvclaw.com, com@dvclaw.com, jog@dvclaw.com, tcp@dvclaw.com, bvc@dvclaw.com, simon@ffitchlaw.com, carol@ffitchlaw.com, shawnc@oppco.org, jessica.yarnall@sierraclub.org, doug.howell@sierraclub.org, ezra@ezrahausman.com, miriam.raffel-smith@sierraclub.org		

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKETS UE-200900 & UG-200901**

EVENT	DATE
Company Filing	October 30, 2020
Prehearing Conference	December 14, 2020
Initial Settlement Conference ⁴	March 10, 2021
Staff, Public Counsel, and Intervenor Response Testimony and Exhibits ⁵	April 21, 2021
Avista Circulates Joint Issues Matrix	April 30, 2021
Settlement Conference	May 6, 2021
Notice Issued for Public Comment Hearing	At least 30 days prior to Public Comment Hearing
Public Comment Hearing	TBD
Avista Rebuttal Testimony and Exhibits; Staff, Public Counsel, and Intervenor Cross-Answering Testimony and Exhibits ⁶	May 28, 2021
Discovery Deadline – Last Day to Issue Data Requests ⁷	June 18, 2021
Avista Files Joint Issues Matrix	June 30, 2021
Exhibits List, Cross-Examination Exhibits, Witnesses List, Time Estimates, Exhibits Errata	June 30 2021
Evidentiary Hearing	July 7 & 9, 2021
Post-Hearing Briefs and Updated Joint Issues Matrix	August 13, 2021
Suspension Date ⁸	October 1, 2021

⁴ 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.

⁵ Response time to data requests relating to this testimony will be 7 business days.

⁶ Response time to data requests will be 5 business days.

⁷ Response time to data requests will be 5 business days.

⁸ Based on a 10-month suspension from the stated effective date of December 1, on the as-filed tariff sheets, per RCW 80.04.130.