**BEFORE THE**

# WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

|  |  |  |
| --- | --- | --- |
| WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,  Complainant,  v.  PACIFIC POWER & LIGHT COMPANY,  Respondent. | )  )  )  )  )  )  )  )  )  )  ) | DOCKET UE-152253  PETITION FOR RULES EXEMPTION OF BOISE WHITE PAPER, L.L.C. |

Pursuant to WAC § 480-07-110(2), Boise White Paper, L.L.C. (“Boise”) files this petition for rules exemption (“Petition”) to accompany Boise’s concurrently filed motion to dismiss and alternative motion to treat as a general rate case filing (“Motions”). Specifically, Boise petitions the Washington Utilities and Transportation Commission (or the “Commission”) to approve an exemption, waiver, or modification of any rules, as necessary, in order to consider Boise’s Motions, consistent with the public interest per WAC § 480-07-110(1).

On December 2, 2015, Boise filed a petition to intervene in this proceeding, along with a notice of appearance for Boise counsel.[[1]](#footnote-2)/ The Commission then issued a complaint and suspension order on December 8, 2015, followed the same day by the issuance of a notice of a prehearing conference scheduled for December 22, 2015. With the prehearing conference still pending, no determination has yet been made on Boise’s intervention petition.

While Boise has, therefore, not yet been granted status as a “party” or “intervenor” to this proceeding,[[2]](#footnote-3)/ Boise respectfully requests that the Commission approve this Petition and exercise its authority, in this particular circumstance, to exempt Boise from any rule requirements that would prohibit motion filings for any non-party persons.[[3]](#footnote-4)/ Any requisite exemption, modification, or waiver of the Commission’s motion-filing rules would be fully consistent with the public interest.

Pacific Power & Light Company (“Pacific Power”) has filed a petition for approval of an expedited rate filing (“ERF”) and a two-year rate plan, seeking a very abbreviated schedule, including a proposed ERF rate increase with an effective date of May 1, 2016. Consequently, time will be of the essence for the Commission and all interested persons to determine a reasonable and appropriate procedural schedule. Boise’s Motions address issues relevant to procedural scheduling, including whether future parties need to determine a procedural schedule (i.e., Boise’s motion to dismiss), or whether procedural scheduling discussions should take place in the context of a general rate proceeding format or an ERF (i.e., Boise’s alternative motion). Thus, considerable time and effort may be saved through a ruling upon Boise’s Motions prior to determinations on interventions and scheduling issues at the prehearing conference.

Finally, Pacific Power and any other parties or interested persons that elect to respond to Boise’s Motions will have ample opportunity to respond before the scheduled prehearing conference. For instance, Commission rules allow for a ten-day response period to filed motions to dismiss.[[4]](#footnote-5)/ As Boise is filing its Motions more than ten days prior to the scheduled prehearing conference, there should be no concern that any parties or interested persons would have an inadequate opportunity to respond, if they elect to do so.

Dated this 10th day of December, 2015.

Respectfully submitted,

DAVISON VAN CLEVE, P.C.

*/s/ Jesse E. Cowell*

Jesse E. Cowell

333 S.W. Taylor, Suite 400

Portland, Oregon 97204

(503) 241-7242 telephone

(503) 241-8160 facsimile

jec@dvclaw.com

Of Attorneys for Boise White Paper, L.L.C.

1. / Boise’s address is contained in that initial petition to intervene. [↑](#footnote-ref-2)
2. / WAC § 480-07-340(b), (f). [↑](#footnote-ref-3)
3. / See WAC §§ 480-07-375, -380, -385. [↑](#footnote-ref-4)
4. / WAC § 480-07-380(1)(c). [↑](#footnote-ref-5)