

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

WASHINGTON UTILITIES AND)	DOCKETS UE-100467
TRANSPORTATION)	and UG-100468
COMMISSION,)	(consolidated)
)	
Complainant,)	ORDER 02
)	
v.)	
)	GRANTING AVISTA’S MOTION
AVISTA CORPORATION d/b/a)	FOR EXEMPTION FROM PAPER
AVISTA UTILITIES,)	FILING REQUIREMENTS FOR
)	CERTAIN VOLUMINOUS
Respondent.)	EXHIBITS
.....)	

1 **NATURE OF PROCEEDINGS.** On March 23, 2010, Avista Corporation d/b/a Avista Utilities (Avista or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff WN U-28, Electric Service in Docket UE-100467, and revisions to its currently effective Tariff WN U-29, Gas Service in Docket UG-100468. The stated effective date of the proposed tariff revisions is April 23, 2010. The proposed revisions would have implemented a general rate increase of \$55.3 million, or 13.4 percent, for electric service and \$8.5 million, or 6.0 percent, for gas service. On April 5, 2010, the Commission suspended operation of these proposed tariffs. *Order 01.*

2 **MOTION FOR WAIVER OF PAPER-FILING REQUIREMENTS.** Along with its initial general rate case filings, Avista filed a motion seeking a waiver of the paper-filing requirements of Washington Administrative Code (WAC) 480-07-510. Specifically, the Company sought limited relief from the Commission’s procedural rule requiring the filing of nineteen (19) paper copies of all exhibits the Company intends to present in its direct case at an evidentiary hearing.

3 WAC 480-07-510(1) provides in relevant part as follows:

(1) **Testimony and exhibits.** The company must file with the commission nineteen paper copies of all testimony and exhibits that the company intends to present as its direct case if the filing is suspended and a hearing held, unless the commission preapproves the filing of

fewer copies. In addition, the company must provide one electronic copy of all filed material in the format identified in WAC 480-07-140(6).

4 On March 29, 2010, Commission Staff and Public Counsel filed their responses to the Company's motion. No other party or potential intervenor filed a response.

5 **PARTY POSITIONS.** The Company filed the requisite copies of all testimony and the majority of supporting exhibits. These materials comprised five three-inch binders. Avista seeks an exemption to the requirement of filing multiple paper copies only with regard to certain additional documents supporting a number of pro forma capital and expense adjustments, gathered and organized on a project-by-project basis. The Company witnesses testifying about these projects will be Mr. Storro, Mr. Kinney, and Mr. Kensock.

6 The Company normally makes such materials available for audit purposes but in this case wanted to ensure their availability in the official record. The additional documents are nearly as voluminous as the testimony and supporting exhibits, consisting of approximately another five three-inch binders. Therefore, the Company presented the information electronically, on a CD-ROM organized on a project-by-project basis. Avista submitted one paper copy of these additional documents and is willing to furnish additional paper copies to parties who make a specific request.

7 Commission Staff does not believe it can complete its required work and analysis with only electronic versions of the voluminous additional documents. Commission Staff does not oppose the Company's motion but notes its need for at least three paper copies of these documents in order to properly address its responsibilities.

8 Public Counsel commends the Company's presentation of the subject matter in electronic format as user-friendly. However, Public Counsel also asserts the impracticability and undesirability of requiring its staff to review lengthy and detailed technical material on a screen-by-screen basis. Public Counsel states its desire to receive a paper copy of these materials from the Company.

9 **COMMISSION DECISION.** The Commission recognizes the burden imposed on parties and on the environment by the requirement in WAC 480-07-520(1) to file 19 paper copies of all testimony and exhibits. The rule explicitly allows the Commission

to pre-approve the filing of fewer copies, reducing this burden in appropriate instances. We find that this case presents such an opportunity to conserve resources.

- 10 Avista's motion suggests that the Commission may not require all 19 copies of certain exhibits supporting witnesses testifying about pro forma capital and expense adjustments. From past experience, we do not disagree. Some parties may choose to focus only on certain aspects of a case and not require paper copies of all testimony or supporting exhibits. However, for Commission Staff and Public Counsel, we expect that they will require at least one paper copy of every document filed in a rate case.
- 11 We grant the Company's motion and, subject to the substituted paper filing requirements noted below, grant a limited exemption to our rule's paper filing requirement of 19 copies with regard to the following exhibits: RLS-5, RLS-5C, SJK-4, SJK-4C, SJK-6, SJK-6C, JMK-3, and JMK-3C. In order to further conserve paper, we encourage the Company to produce the additional required paper copies in a double-sided format wherever practicable.
- 12 Commission Staff's response concedes that not all members of our regulatory compliance division should need their own individual copy of each and every exhibit filed in a general rate case. Commission Staff has asked that the Company supply it with three paper copies of the additional exhibits. We find it this to be a reasonable request and require the Company to promptly deliver the requested copies to the Commission to be distributed to Staff.
- 13 Public Counsel's response also identifies the difficulties an analyst might have if limited to reviewing complex data in an electronic format. We find it reasonable for Public Counsel to receive a paper copy of the additional exhibits and require the Company to promptly provide a paper copy to Public Counsel.
- 14 The Commissioners, policy staff and presiding officer will also require copies of the additional materials. We will endeavor to share amongst ourselves and require the Company to provide two additional paper copies to the Commission for this purpose.
- 15 Finally, we anticipate that some of the potential intervenor parties in these dockets might have a bona fide need for a paper copy of the additional exhibits. We encourage all parties to review the Company's electronic version of the materials and then make an individual determination with regard to a need for a paper copy. The Company is directed to honor any such request from a party to these dockets.

ORDER

THE COMMISSION ORDERS:

- 16 (1) Avista Corporation's motion for a limited exemption from the paper-filing requirements of WAC 480-07-510(1) is granted with regard to the following exhibits: RLS-5, RLS-5C, SJK-4, SJK-4C, SJK-6, SJK-6C, JMK-3, and JMK-3C.
- 17 (2) Avista Corporation shall promptly deliver additional paper copies of the above-noted exhibits as follows:
- three (3) copies to the Commission for Commission Staff;
 - one (1) copy to Public Counsel; and
 - two (2) copies to the Commission for the Commissioners, policy staff and presiding officer.
- 18 (3) Avista Corporation shall also promptly deliver one paper copy of the above-noted exhibits to any party to these dockets that makes such a request.
- 19 (4) The Commission will require delivery of additional paper copies to requesting parties upon a showing of *bona fide* need.

Dated at Olympia, Washington, and effective April 8, 2010.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

ADAM E. TOREM
Administrative Law Judge