

July 20, 2015

VIA ELECTRONIC FILING

Steven V. King
Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

RE: Docket A-130355—Rulemaking to Consider Possible Corrections and Changes in Procedural Rules in WAC 480-07

In response to the Notice of Opportunity to File Written Comments issued by the Washington Utilities and Transportation Commission (Commission) on June 18, 2015, Pacific Power & Light Company, a division of PacifiCorp (Pacific Power or Company), submits the following written comments on the draft rules for Part IIIA of WAC Chapter 480-07.


Pacific Power provides the following recommendations:

- **WAC 480-07-310:** Pacific Power does not understand why “prosecutorial staff” are removed from the prohibition on ex parte contacts. Like investigative staff, the prohibition on ex parte contacts should extend to all Commission staff who are engaged in any investigative, advocacy, or prosecutorial functions. The Company respectfully requests an explanation for the rationale behind this change.
- **WAC 480-07-355(1)(a):** To avoid ambiguity, the second sentence of subsection (a) should read “Written Such petitions to intervene should be filed at least three business days before the initial hearing date or prehearing conference date, whichever occurs first.”
- **WAC 480-07-370(a)(i):** The second sentence should read “For purposes of this rule, a formal complaint should not include a commission complaint, and order suspending a general rate increase, an informal complaint filed under 480-07-910, or other tariff filing.
- **WAC 480-07-405(7)(a):** To avoid ambiguity and to be consistent with the service of data requests, the first sentence should read “Parties must serve responses to data requests electronically on the requesting party and on any other party that requests a copy, consistent with the terms of any protective order entered in the proceeding.”

- **WAC 480-07-420(1):** The second sentence of subsection (1) should be revised to read “Parties ~~must strictly limit the amount of information they designate as confidential and~~ must follow the instructions in WAC 480-07-160 for properly marking and submitting documents with the commission as confidential in a proceeding governed by a protective order.” WAC 480-07-160 provides for “special handling and limited access to confidential information” that is properly designated consistent with RCW 80.04.095. There is no limitation on the volume of information that may be designated as “confidential” so long as it qualifies for special treatment under RCW 80.04.095. The phrase “must strictly limit the amount of information they designate as confidential” is unnecessary and ambiguous because WAC 480-07-160 already governs the types of materials that may be designated as “confidential.”
- **WAC 480-07-460(1)(a)(i):** This subsection should be revised to read “Prefiled testimony or exhibits may be revised without leave from the presiding officer to correct mistakes of fact asserted by a witness.” Subsection (ii) states that leave of the presiding officer is needed to make substantive changes to prefiled testimony or exhibits. The proposed revision will make explicit that leave is not required under subsection (i) for correcting errors.
- **WAC 480-07-460(1)(a)(iii):** Similarly to subsection (i), this subsection should be revised to read “A party may, without leave of the presiding officer, make minor revisions to prefiled testimony and exhibits to correct typographical errors, printing errors, and nonsubstantive changes (e.g., a change in a witness’s address or employment.)”
- **WAC 480-07-490(3) and (4):** The provisions allowing the parties to incorporate Commission files or records from other Commission proceedings into the evidentiary record should be retained. These provisions reduce the volume of filings by allowing parties to incorporate documents from Commission files or proceedings by reference.

Pacific Power appreciates the Commission’s efforts to update and clarify its procedural rules, as well as the opportunity to participate in the process. Please direct inquiries to Ariel Son, Manager, Regulatory Projects, at (503) 813-5410.

Sincerely,


R. Bryce Dalley
Vice President, Regulation