

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	DOCKET UE-152253
TRANSPORTATION)	
COMMISSION,)	ORDER 10
)	
Complainant,)	ORDER DENYING SIERRA
)	CLUB’S MOTION FOR
v.)	EXTENSION OF TIME
)	
PACIFIC POWER & LIGHT)	
COMPANY,)	
)	
Respondent.)	
.....)	

- 1 **PROCEEDING:** On November 25, 2015, Pacific Power & Light Company (Pacific Power or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff WN U-75. The Company seeks authority to increase charges and rates for electric service in a two-year rate plan. Pacific Power’s filing, if approved, would increase electric rates by approximately \$10 million, or 2.99 percent, effective May 1, 2016. The Company requests a second year increase in the multi-year rate plan of approximately \$10.3 million, or 2.99 percent, effective May 1, 2017. Pacific Power has also filed a proposed decoupling mechanism which includes a request to record accounting entries associated with the mechanism. The Company seeks expedited treatment of its requests.
- 2 On May 5, 2016, the Commission entered Order 09 which, among other things, set a deadline for the Commission’s regulatory staff to file supplemental testimony on May 6, 2016, and a deadline for the Company and any other parties to file cross-answering testimony on May 13, 2016, to address Pacific Power’s requested recovery of costs associated with the installation of selective catalytic reduction (SCR) at Units 3 and 4 of the Jim Bridger plant. On May 24, 2016, Pacific Power filed a Motion to Strike Section III of Sierra Club’s Cross-Answering Testimony or Alternative Motion for Live Rebuttal (Motion to Strike). Pacific Power alleges Sierra Club improperly filed supplemental testimony, specifically, Section III of Dr. Jeremy Fisher’s cross-answering testimony (Section III), outside of the procedural schedule, and therefore this testimony should be

struck from the record, or, alternatively, that Pacific Power be allowed the opportunity to present live rebuttal testimony from Ms. Cindy Crane in response to Section III at the evidentiary hearing on June 1, 2016. In support of its request to strike, the Motion states that, “Sierra Club never requested nor received permission to file supplemental testimony... [I]t is improper for Sierra Club to unilaterally expand the scope of its cross-answering testimony to include an entirely new analytical framework at this stage of the case.”¹ In support of the live rebuttal alternative, Pacific Power asserts that “[g]iven the broad and technical scope of Section III and the myriad problems in Dr. Fisher’s analysis, live rebuttal is the only effective way for the Company to respond to it. Without live rebuttal from the Company, the record in this case will be incomplete and inaccurate.”²

3 Given the rapidly approaching evidentiary hearing on the SCR issue, scheduled to begin on June 1, 2016, the Commission issued a Notice of Opportunity to File Written Comments on the Motion to Strike on the morning of May 25, 2016, with a deadline of 3:00 p.m., Thursday, May 26, 2016.

4 On May 26, 2016, at 11:02 a.m., Sierra Club filed a Motion for Extension of Time (Motion for Extension) requesting that the Commission allow it to file a response to the Motion to Strike on June 1, 2016, the date of the upcoming evidentiary hearing. Sierra Club asserts that the Company has had “nearly two weeks to prepare the [Motion to Strike] and Sierra Club [has had] 48 hours to respond.”³ The Motion for Extension also argues that WAC 480-07-375 provides parties with five business days to respond to motions, and the Commission’s deadline short of five days response time is “very prejudicial to Sierra Club.”⁴ Without providing specifics, Sierra Club states that its “counsel was out of town and unable to prepare any response on May 24th and May 25th.”⁵

5 **Discussion and Decision.** Sierra Club’s Motion for Extension of Time is denied. WAC 480-07-375(4) does provide that “[a] party who opposes a written motion, other than a dispositive motion or a motion for continuance, may file a written response within five business days after the motion is served, **or may make an oral or written response at**

¹ Motion to Strike, ¶ 7.

² *Id.*, ¶ 9.

³ Motion for Extension at 1.

⁴ *Id.*

⁵ *Id.*

such other time as the presiding officer may set.”⁶ Other than a vague reference to its counsel’s travel schedule interfering with Sierra Club’s ability to respond to the Motion to Strike, Sierra Club fails to offer any explicit reasoning why the party cannot provide a written response by the 3:00 p.m. deadline on May 26, 2016.⁷ Finally, the Company’s Motion to Strike is a brief five pages, two of which are devoted to procedural history. The substance of Pacific Power’s arguments are contained within two pages, pages 3 and 4. Absent compelling rationale from Sierra Club, it is difficult to see how it cannot analyze and respond to these two pages within 48 hours. The Commission finds no basis upon which to grant Sierra Club’s Motion for Extension.

ORDER

THE COMMISSION ORDERS That the Motion for Extension of Time, filed on May 26, 2016, is **DENIED**.

Dated at Olympia, Washington, and effective May 26, 2016.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. FRIEDLANDER
Administrative Law Judge

NOTICE TO PARTIES: This is an Interlocutory Order of the Commission. Administrative review may be available through a petition for review, filed within 10 days of the service of this Order pursuant to WAC 480-07-810.

⁶ Internal citations omitted. Emphasis added.

⁷ Sierra Club also misstates the different intervals it and the Company have had to file pleadings. Pacific Power’s Motion to Strike was filed six business days, not two weeks, after Sierra Club’s Supplemental Cross-Answering Testimony.