

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

In the Matter of	)	
	)	Docket UE-210852
ALLIANCE OF WESTERN ENERGY	)	
CONSUMERS,	)	ALLIANCE OF WESTERN ENERGY
	)	CONSUMERS' MOTION TO
Petition for Order Approving Deferral of	)	CONSOLIDATE
Increased Fly Ash Revenues.	)	
	)	
<hr/>	)	
WASHINGTON UTILITIES AND	)	
TRANSPORTATION COMMISSION,	)	Docket UE-230172
	)	
Complaint,	)	ALLIANCE OF WESTERN ENERGY
v.	)	CONSUMERS' MOTION TO
	)	CONSOLIDATE
	)	
PACIFICORP, d/b/a	)	
PACIFIC POWER & LIGHT COMPANY,	)	
	)	
Respondent.	)	
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**I. INTRODUCTION AND RELIEF REQUESTED**

1 Pursuant to WAC § 480-07-320 and WAC § 480-07-375, the Alliance of Western Energy Consumers (“AWEC”) respectfully requests the Commission exercise its discretion and consolidate AWEC’s Petition for Accounting Order (“Petition”) to require PacifiCorp d/b/a Pacific Power & Light Company’s (“PacifiCorp” or “Company”) to defer increased revenues from Jim Bridger fly ash sales, Docket UE-210852, with PacifiCorp’s 2023 general rate case (“GRC”), Docket UE-230172. The facts and principles of law in each proceeding are related, and consolidation would serve judicial economy and administrative efficiency. Therefore, AWEC

respectfully requests that the Washington Utilities and Transportation Commission (“Commission”) consolidate its Petition with PacifiCorp’s GRC.

2 AWEC has provided advanced notice of this motion to each party in each proceeding. PacifiCorp indicated that it does not oppose the motion to consolidate, but that its non-opposition should not be construed as acceptance that the fly-ash revenues identified in AWEC’s Petition are appropriate for deferral. Public Counsel supports AWEC’s motion. Commission Staff, Sierra Club, The Energy Project and Walmart do not oppose AWEC’s motion.

## 3 II. STANDARD OF REVIEW

In accordance with WAC § 480-07-320, the Commission, “in its discretion, may consolidate two or more proceedings in which the facts or principles of law are related.” The Commission also considers whether consolidation serves judicial economy and administrative efficiency, and whether consolidation would unduly delay the resolution of one or more of the proceedings.<sup>1</sup>

## 4 III. STATEMENT OF FACTS

On November 8, 2021, AWEC filed its Petition to require PacifiCorp to defer from the date of the petition the revenue generated by the Company’s increased Jim Bridger fly ash sales. Fly ash sales revenues from Jim Bridger are a component of PacifiCorp’s Washington rates. After PacifiCorp’s prior Washington GRC, Docket UE-191024, it entered into a new fly ash sales agreement for the Jim Bridger coal plant, which was not reflected in PacifiCorp’s 2020

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<sup>1</sup> *In re Determining the Proper Classification of Lowper, Inc. d/b/a Lowper Corp., a/k/a Lowper Water Co. & Iliad, Inc. d/b/a Lowper Water Sys.*, Dockets UW-091006 & UW-110213 (Consolidated), Order 02/Order 01, at 2, ¶ 5 (Mar. 24, 2011); *Wash. Utils. & Transp. Comm’n v. Puget Sound Energy*, Dockets UE-111048 & UG-111049 (Consolidated) & UG-110723, Order 04, at 4, ¶ 8 (Sept. 7, 2011).

GRC rates.<sup>2</sup> AWEC filed its Petition to ensure that the substantial increased revenues associated with a new contract for fly ash sales, which it estimates to be approximately \$2.5 million greater (Washington-allocated) than the \$502,000 fly ash revenues included in rates, could be deferred for the benefit of PacifiCorp’s Washington customers.<sup>3</sup> This is a 498% increase above amounts currently reflected in rates.<sup>4</sup>

5           On November 29, 2021, PacifiCorp filed a response to AWEC’s Petition, recommending that it be denied. On December 10, 2021, Commission Staff (“Staff”) filed a response to AWEC’s Petition, recommending the Commission grant the Petition. No other party filed a response. To date, the Commission has not taken action on AWEC’s Petition.

6           On March 17, 2023, PacifiCorp filed its 2023 GRC, seeking approval of a two-year Multi-Year Rate Plan (“MYRP”).<sup>5</sup> As part of its GRC, PacifiCorp is seeking to set final rates through 2025 for its non-net power costs for Jim Bridger and Colstrip generating resources in this case given Washington’s mandate to remove the allocation of coal-fired resources from its Washington rates by December 31, 2025.<sup>6</sup> Fly ash revenues from Jim Bridger are part of the non-net power costs and revenues associated with Jim Bridger and are included in proposed rates in this case.<sup>7</sup> PacifiCorp is also proposing to make a compliance filing in the fourth quarter of 2025 to remove coal-fired generation costs from rates.<sup>8</sup> PacifiCorp argues that fly ash revenues

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<sup>2</sup> AWEC’s Petition at 3.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> On April 10, 2023, PacifiCorp filed supplemental testimony, exhibits and tariff sheets as well as redacted workpapers.

<sup>6</sup> Exhibit No. SLC-1T at 11. Note that PacifiCorp is also seeking recovery of net power costs associated with Jim Bridger and Colstrip through 2025.

<sup>7</sup> Exhibit No. SLC-1T at 16.

<sup>8</sup> *Id.*

will also need to be removed from rates,<sup>9</sup> and proposes that these amounts be calculated as part of this case because they are “known quantities.”<sup>10</sup>

#### IV. ARGUMENT

7 The facts in Dockets UE-210852 and UE-230172 are sufficiently related and consolidation would serve judicial economy and administrative efficiency. Consolidation would also not result in delay of PacifiCorp’s GRC and would lead to timely and efficient resolution of AWEC’s Petition, which has been outstanding since late 2021. As such, the Commission should grant AWEC’s Motion to Consolidate.

**A. Consolidation is appropriate because Dockets UE-210852 and UE-230172 have sufficiently related facts.**

8 In its GRC, in addition to net power costs, PacifiCorp is seeking to address the final ratemaking treatment applicable to the non-net power cost costs and revenues associated with coal operations at the Jim Bridger plant, which includes fly ash revenues. AWEC’s deferral, if granted, would include in rates the amount of fly ash revenues recovered by PacifiCorp since its last GRC for the final two years of Jim Bridger’s coal operations.

**B. Consolidation would also serve judicial economy and administrative efficiency.**

9 Consolidation would allow the Commission to address fly ash revenues in a single proceeding and would facilitate removal of fly ash revenues prior to January 1, 2026. The Commission has yet to consider AWEC’s Petition at an Open Meeting or otherwise. And as previously stated, PacifiCorp is seeking to address final ratemaking treatment for non-net power

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<sup>9</sup> Exhibit No. SLC-1T at 17.

<sup>10</sup> *Id.*

costs related to Jim Bridger coal operations as part of its pending GRC. AWEC's Petition, if granted, would affect the amount of fly ash revenues due to customers, and thus it is efficient to determine a total amount for inclusion in PacifiCorp's GRC and that should be removed from rates following a PacifiCorp compliance filing as the Company has proposed. Addressing the Petition as part of the GRC will allow for the opportunity to address fly ash revenues in a single proceeding, removing the need for a separate Open Meeting or contested case proceeding and potentially allowing for fewer rate changes for customers and a lower administrative burden on PacifiCorp.

## V. CONCLUSION

10 For the reasons set forth above, the Commission should grant AWEC's motion to consolidate its Petition with PacifiCorp's GRC.

Dated this 28th day of April, 2023

Respectfully submitted,

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