

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PACIFIC POWER & LIGHT COMPANY,

Respondent.

DOCKETS UE-191024, UE-190750,
UE-190929, UE-190981, UE-180778
(*Consolidated*)

MOTION TO MODIFY
PROCEDURAL SCHEDULE ON
BEHALF OF COMMISSION STAFF

I. INTRODUCTION

1 Pursuant to WAC 480-07-375(1)(b), the regulatory staff (Staff) of the Washington Utilities and Transportation Commission (Commission) moves to amend the procedural schedule established by Order 03/01/06 in these consolidated dockets. Specifically, Staff requests to extend the deadline for the submission of response testimony by ten days, from June 2, 2020, to June 12, 2020, and extend the deadline for rebuttal and cross-answering testimony by two days, from July 15, 2020, to July 17, 2020. Staff also requests that the Commission move the date for the second settlement conference from June 12, 2020, to June 24, 2020. To minimize the impacts of these changes, Staff further requests that the Commission require parties to provide responses to data requests served on or after June 12, 2020, within five business days. Staff seeks these modifications to address the impacts of the COVID-19 outbreak on Staff's review of various filings by Pacific Power and Light Company (Pacific Power).

2 No party opposes Staff's motion.

II. RELIEF REQUESTED

3 Staff requests that the Commission modify the procedural schedule in these dockets
to require the non-company parties to submit responsive testimony on June 12, 2020 (rather
that June 2), and the parties to submit rebuttal and cross-answering testimony on July 17,
2020 (rather than July 15).

4 Staff also requests that the Commission order that the parties hold the second
settlement conference in these dockets on June 24, 2020 (rather than June 12).

5 Staff further requests that the Commission modify the procedural schedule to require
the parties to provide responses to all data requests submitted on or after June 12, 2020,
within five business days.

III. STATEMENT OF FACTS

6 Over the course of 2018 and 2019, Pacific Power filed with the Commission four
separate accounting petitions. One of these concerned updates to the company's depreciation
rates,¹ two related to the costs associated with upgrades to its wind facilities,² and one
addressed the costs associated with its purchase of renewable energy credits.³

7 At the close of 2019, the company filed a general rate case (GRC) to revise its
currently effective tariffs governing the provision of electrical service in Washington.⁴ The

¹ *In re Petition of Pacific Power & Light Co.*, Docket UE-180778, Pacific Power & Light Company's Petition for Accounting Order, 1 ¶ 1 (Sept. 13, 2018).

² *In re Petition of Pacific Power & Light Co.*, Docket UE-190981, 1 ¶ 1 (Nov. 22, 2019); *In re Petition of Pacific Power & Light Co.*, Docket UE-190750, Pacific Power's Petition for Accounting Order, 1, ¶ 1 (Sept. 6, 2019); *In re Petition of Pacific Power & Light Co.*, Docket UE-190981, 1 ¶ 1 (Nov. 22, 2019).

³ *In re Pacific Power & Light Co.*, Docket UE-190929, Pacific Power's Petition for Accounting Order, 1, ¶ 1 (Nov. 8, 2019).

⁴ *Wash. Utils. & Transp. Comm'n v. Pac. Power & Light Co.*, Docket UE-191024, Order 01, 1 ¶ 1 (Jan. 9, 2020).

Commission suspended the tariff revisions pending a hearing on their fairness, justness, reasonableness, and sufficiency.⁵

8 In early February, 2020, the Commission entered its prehearing conference order in the GRC docket. In doing so, the Commission consolidated the four accounting petitions noted above with the GRC for hearing given their shared issues of fact and law.⁶ The Commission also in the prehearing conference order adopted a procedural schedule. As relevant here, that schedule required Staff and the other non-company parties to submit response testimony on June 2, 2020; the parties to meet for a settlement conference on June 12, 2020; and all parties to submit rebuttal or cross-answering testimony on July 15, 2020.⁷ The procedural order further required parties to provide answers to any data request propounded after June 2, 2020, within five business days.⁸

9 In late February 2020, Washington’s governor declared a state of emergency in Washington due to an outbreak of coronavirus disease 2019 (COVID-19).⁹ On March 23, 2020, the governor amended the emergency declaration to implement stringent measures intended to combat the spread of COVID-19, including banning public gatherings, closing non-essential businesses, and requiring all Washingtonians to stay at home unless engaging in essential activities.¹⁰

10 The governor’s order has affected the Commission’s operations. The Commission has been closed to the public since March 25, 2020, and its staff are currently

⁵ *Id.* at 3, ¶ 14.

⁶ *Wash. Utils. & Transp. Comm’n v. Pac. Power & Light Co.*, Dockets UE-191024 & UE-190750 & UE-190929 & UE-190981 & UE-180778, Order 03/01/06, 2, ¶¶ 9–10 (Feb. 3, 2020).

⁷ *Id.* at Appx. B.

⁸ *Id.*

⁹ Proclamation 20-25, Stay Home – Stay Healthy, at 1 (Wash. Office of the Governor, Mar. 23, 2020).

¹⁰ *Id.* at 3–5.

telecommuting. The closure of the Commission’s office resulted in Staff not receiving workpapers related to Pacific Power’s filing of supplemental testimony until a week after the filing of that testimony, on April 8, 2020, despite Pacific Power’s timely mailing of those workpapers and its attempts to work with Staff to provide them electronically.¹¹ Disrupted personal schedules and absences have also prevented the timely and seamless exchange of information between the parties to this case.¹²

11 These COVID-related disruptions have “materially impaired Staff’s preparation for [the] settlement [conference] scheduled for April 30, 2020, as well as Staff’s development of responsive testimony due June 2, 2020.”¹³

IV. STATEMENT OF ISSUES

12 Whether the Commission should modify the procedural schedule it entered with Order 03/01/06 in these dockets.

V. EVIDENCE RELIED UPON

13 Staff relies on the declaration of Jason Ball, which was filed concurrently with this motion, and the evidence in the record in these dockets.

VI. ARGUMENT

14 The Commission’s procedural rules allow parties to move for “commission action in the context of an adjudicative proceeding.”¹⁴ This action can include the modification of “the procedural schedule in a proceeding.”¹⁵

¹¹ Decl. of Jason Ball at 1, ¶¶ 5–6.

¹² Decl. of Jason Ball at 1, ¶ 7.

¹³ Decl. of Jason Ball at 1, ¶ 8.

¹⁴ WAC 480-07-375(1).

¹⁵ WAC 480-07-375(1)(b).

15 The Commission should find good cause to exercise its discretion to modify the procedural schedule set in these dockets. The COVID-19 outbreak has caused unprecedented disruption in American society. That disruption has spilled over into this rate case. Although all parties have worked in good faith and as diligently as possible, Staff has lost time due to delays in processing or receiving information through discovery. These delays have pushed Staff's preparations for settlement discussions back into the time Staff had set for the preparation of testimony. To fulfill its duty to negotiate in good faith and its obligation to prepare a proper record for the Commission, Staff needs more time.

16 No party will be prejudiced by the modification, and, indeed, none of them object to it. The non-company parties would have extra time to prepare response testimony, just as Staff does. And, while modifying the procedural schedule would shorten the time between response and rebuttal and cross-answering testimony, Staff's request provides for quicker responses to data requests, enabling parties to prepare their second round of testimony more expediently.

17 Nor would the modification prejudice the Commission. The hearing date would not change, nor would the date on which briefs would be due. The modification would therefore only negligibly affect the Commission's preparation of its final order, if at all.

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VII. CONCLUSION

Commission Staff requests that the Commission grant its motion and modify the procedural schedule as described above.

DATED this 22nd day of April 2020.

Respectfully submitted,

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