

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

AVISTA CORPORATION, D/B/A
AVISTA UTILITIES,

Respondent.

DOCKET UE-240891

ORDER 05

DENYING PUBLIC COUNSEL'S
MOTION FOR RELIEF FROM
ORDER 03 PREHEARING
CONFERENCE ORDER

BACKGROUND

- 1 On October 31, 2024, Avista Corporation d/b/a Avista Utilities (Avista or Company) filed with the Washington Utilities and Transportation Commission (Commission) proposed revisions to its electric service tariff, Tariff WN U-28, Schedule 99 – Colstrip Tracker. The purpose of Avista's filing is to revise its tariff rates in Schedule 99 to reflect forecasted costs for Colstrip Units 3 and 4 for calendar year 2025 and to increase annual Schedule 99 revenues by \$18.7 million – from \$23.9 million in 2024 to \$42.6 million in 2025.¹
- 2 On December 19, 2024, this matter came before the Commission at the Open Meeting. Commission staff (Staff) reviewed Avista's tariff filing and requested the Commission suspend the tariff sheets but allow the proposed rates to become effective January 1, 2025, on an interim basis, subject to refund, pending the Commission's determination in this docket.

¹ The proposed Schedule 99 annual increase represents a year-over-year increase of 78 percent and is driven by significant capital investment in the Colstrip facility in 2024, and 2025, which Avista seeks to recover in full in 2025. *W.U.T.C. v. Avista Corporation*, Docket UE-240891, Corrected Order 01, Complaint and Order Allowing Rates Subject to Later Review and Refund at 2 ¶ 4 (December 20, 2024).

- 3 On December 20, 2024, Avista filed revised tariff sheets, and the Commission issued Corrected Order 01, Complaint and Order Allowing Rates Subject to Later Review and Refund; Setting Matter for Adjudication (Corrected Order 01).
- 4 On March 6, 2025, the Commission entered Order 02, Protective Order, to make the Commission’s discovery rules available to the parties.
- 5 On March 21, 2025, the Commission entered Order 03, Prehearing Conference Order, Notice of Hybrid Evidentiary Hearing (Order 03), noticing an evidentiary hearing on October 3, 2025, and granting the Alliance of Western Energy Consumers (AWEC) and the NW Energy Coalition (NVEC) petitions to intervene. Order 03 also set a discovery deadline of September 15, 2025, as set forth in Appendix A.
- 6 On March 24, 2025, the Commission issued a Notice of Errata to Order 03, correcting paragraph 18 of the Prehearing Conference Order service requirements to add subsections (d) and (e), which state in part, “[w]hen filing testimony, exhibits, or post-hearing brief, the filing party must submit five paper copies to the Commission within three business days of its electronic filing.”²
- 7 On June 30, 2025, the Public Counsel Unit of the Attorney General’s Office (Public Counsel) filed a motion for relief from Order 03 (Motion). In its Motion, Public Counsel requests that the Commission continue its recent practice of suspending the requirement to submit five paper copies of testimony, exhibits, post-hearing briefs, and “exercise its authority under WAC 480-07-510 to require no paper copies.”³
- 8 The Commission did not receive any responses to the Motion.

DISCUSSION

- 9 In its Motion, Public Counsel argues that despite the default requirement in Washington Administrative Code (WAC) 480-07-510 requiring all parties to submit five paper copies of testimony and exhibits in general rate cases, the administrative and ecological burdens of the requirement to file paper copies outweigh the benefits. To support this contention,

² Docket UE-240891, Notice of Errata to Order 03 (March 24, 2025).

³ Docket UE-240891, Public Counsel’s Motion for Relief from Order 03 Prehearing Conference (Public Counsel’s Motion), Order at 2 ¶ 2-3 (June 30, 2025) citing to *W.U.T.C. v. Cascade Natural Gas Corp.*, Docket UG-210755, Order 3 at 3 ¶ 12(c) (Oct. 26, 2021)(lifting the requirements of paper copies during the Covid 19 pandemic); and *W.U.T.C. v. Avista Corporation d/b/a/ Avista Utilities*, Dockets UE-220053 & UE-220054 (*Consolidated*) Order 4 at 2 ¶ 9 (March 1, 2022)(clarifying and updating electronic filing requirements).

Public Counsel relies on former Governor Jay Inslee’s Directive 24-19, which directs State agencies to reduce spending due to significant operating budget deficits and to “use common sense, good judgement, and creativity to accomplish” this goal.⁴ Public Counsel also maintains that “the public interest continues to be well-served by relying on the electronic filing system,” because such practice “aids in the timely adjudication of cases,” improves efficiencies, and is consistent with WAC 480-07-140(5), which generally requires filings and formal records be submitted electronically.”⁵ Finally, since the “past five years have demonstrated that paper copies are not essential to the successful administration of the Commission’s work,”⁶ Public Counsel reasons that the public interest would be best served by the Commission exercising its authority under WAC 480-07-510 and “continuing to waive the requirement for paper copies for all submissions.”⁷

A. Applicable Law:

10 WAC 480-07-110(1) provides that:

(1) **Exceptions and modifications.** The commission, in response to a request or on its own initiative, may grant an exemption from, or modify the application of, any of its rules in individual circumstances if the exemption or modification is consistent with the public interest, the purposes underlying regulation, and applicable statutes. Consistent with due process and the public interest, the commission may modify the application of procedural rules in this chapter on its own initiative during a particular adjudication or other docket without following the process identified in subsection (2) of this section.

11 WAC 480-07-110 (1)(c) further provides that when determining whether to grant an exemption from or modification to Commission rule, the factors that may be considered include: (1) “whether the rule imposes an undue hardship on the requesting person of a degree or a kind different from hardships imposed on other similarly situated persons”; and (2) “whether the effect of applying the rule to the requesting person would be contrary to the underlying purposes of the rule and the public interest.”⁸

⁴ Public Counsel’s Motion at 1-2 ¶¶ 1-2.

⁵ Public Counsel’s Motion at 3 ¶¶ 5 and 7.

⁶ Public Counsel’s Motion at 4 ¶ 8.

⁷ *Id.*

⁸ [WAC 480-07-110](#)

B. Commission Determination

- 12 While we acknowledge and agree with Public Counsel that since March 2020, the Commission has exercised its authority to modify the procedural rules to suspend the requirement to file paper copies and has transitioned to a predominantly paperless process, the Commission continues to find meaningful benefits in receiving paper copies. These benefits include improving the Commissioner's review and engagement with the parties' positions, particularly where there are issues of first impression, by enabling them to mark up and make handwritten notations on parties' materials as part of their deliberative process. It also aids the Commissioner's in conducting a thorough analysis of complex issues by facilitating a more direct comparison of the parties' testimony and supporting evidence.
- 13 Additionally, the Commission disagrees with Public Counsel that the requirement in WAC 480-07-510 for all parties to submit five paper copies of testimony and exhibits in general rate cases imposes an undue hardship of a degree or kind different from hardship imposed on similarly situated persons. In general, each party is responsible for bearing its own costs for producing five paper copies of its own testimony for general rate and complex cases. If the Commission were to suspend the requirement that parties file paper copies of their materials with the Commission, then the Commission would either need to forego the benefits identified above or absorb the costs associated with printing material from all the parties, neither of which would be in the public interest. Therefore, since the Commission continues to benefit from the availability of paper copies, it declines to modify the requirement in this matter and in general rate cases and complex proceedings.
- 14 For the above stated reasons, the Commission denies Public Counsel's Motion for Relief from Order 03.

ORDER

THE COMMISSION ORDERS:

- 15 (1) Public Counsel's Motion for Relief is DENIED.

DATED at Lacey, Washington, and effective July 15, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Amy Bonfrisco
AMY BONFRISCO
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*.