

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

PACIFICORP, d/b/a  
PACIFIC POWER & LIGHT COMPANY,

Respondent.

Docket UE-220376

PACIFICORP ANSWER

**I. Introduction**

*1* PacifiCorp d/b/a Pacific Power & Light Company (PacifiCorp or the Company) respectfully files this Answer to the Staff Complaint filed before Washington Utility and Transportation Commission (Commission) in Docket UE-220376. Concurrently, PacifiCorp is filing a Motion to Dismiss the Complaint in accordance with WAC 480-07-380(1), and a Motion to Stay Penalties in accordance with WAC 480-07-375(1)(b).

*2* This case involves Staff’s allegations that PacifiCorp violated certain Commission orders, statutes and regulations, and as a result, that the Commission should assess administrative penalties against PacifiCorp. Specifically, Staff allege that PacifiCorp failed to correctly model the social cost of greenhouse gases (SCGHGs) in PacifiCorp’s 2021 Integrated Resource Procurement Plan (IRP) and 2021 Clean Energy Implementation Plan (CEIP).

3           As this Answer and the Commission’s Motion to Dismiss demonstrate, Staff’s  
Complaint fails to state a claim for which the Commission can grant effective relief, and  
PacifiCorp is entitled to judgment as a matter of law on the pleadings.

## II.    Answer

4           Respondent PacifiCorp answers Staff’s Complaint as follows:

5           Paragraphs 1 through 3 describe the parties to this action. PacifiCorp admits that it  
is both a “public service company” and an “electric company” that is subject to the  
Commission’s jurisdiction. The remainder of these paragraphs describe Staff as a party  
and require no response.

6           Paragraphs 4 and 5 detail what Staff believes are the relevant legal authorities that  
will resolve this Complaint. To the extent these paragraphs cite legal authorities no  
response is required; should an answer be required, PacifiCorp denies the same.

7           Paragraphs 6 and 7 discuss select procedural history from docket UE-210829. To  
the extent these paragraphs cite to specific documents in docket UE-210829, those  
citations are publicly available documents to which no response is required. PacifiCorp  
lacks adequate knowledge to affirm or deny Staff’s understanding of Staff’s informal  
comments emailed to the Company on December 10, 2021.

8           Paragraph 8 cites a select paragraph from the Company’s exemption petition in  
docket UE-210829 and is a publicly available document to which no response is required.  
The Company lacks adequate knowledge to affirm or deny Staff’s prefatory language that  
interprets PacifiCorp’s petition.

9           Paragraph 9 provides Staff’s summary of the purposes of the Company’s  
exemption petition. The Company lacks adequate knowledge to affirm or deny Staff’s

understanding. To the extent any additional legal conclusions or factual representations are alleged, PacifiCorp denies the same.

10 Paragraphs 10 through 12 cite select documents and paragraphs from docket UE-210829 and are publicly available documents to which no response is required.

11 Paragraphs 13 through 16 provide Staff's summary of PacifiCorp's Final CEIP and SCGHG modeling. The Company lacks adequate knowledge to affirm or deny Staff's understanding. To the extent any additional legal conclusions or factual representations are alleged, PacifiCorp denies the same.

12 Paragraph 17 cites select statutes that the Commission administers. To the extent these paragraphs cite legal authorities no response is required. As discussed further in PacifiCorp's Motion to Dismiss, the Company denies that the Commission has jurisdiction over this Complaint.

13 Paragraphs 18 and 19 cite legal authorities and no response is required; should an answer be required; PacifiCorp denies the same.

14 Paragraph 20 realleges paragraphs 2 through 19, and PacifiCorp reiterates its previous responses to those paragraphs.

15 Paragraphs 21 through 24 detail Staff's cause of action. To the extent these paragraphs cite legal authorities no responses are required. For the remaining allegations, PacifiCorp denies that its 2021 IRP or 2021 CEIP have violated any Washington statute, Commission regulation, or Commission order.

16 Paragraphs 25 through 27 detail Staff's request for relief. To the extent these paragraphs cite legal authorities no responses are required. To the extent these paragraphs

include legal conclusions or factual representations, the Company either denies the same, or lacks adequate knowledge to affirm or deny Staff's understanding.

17 Paragraph 28 discusses the Commission's finding that it has probable cause to issue this Complaint. As detailed in PacifiCorp's Motion to Dismiss, and to be further developed during the course of the proceeding, if necessary, PacifiCorp denies that the Commission had probable cause to issue this Complaint.

18 Paragraphs 29 through 36 detail various procedural requirements for administering the Complaint for which no response is required. To the extent any legal or factual conclusions are alleged or inferred, PacifiCorp denies the same.

### **III. Affirmative Defenses**

19 As detailed in PacifiCorp's Motion to Dismiss, Staff's Complaint has failed to state a claim upon which relief can be granted, and PacifiCorp is entitled to judgment on the pleadings. Specifically, Staff's Complaint violates PacifiCorp's due process rights, fails to demonstrate any harm or injury, and is barred by the Commerce Clause of the United States Constitution, Washington statutes and regulations that confine the Commission's powers to electric utilities that operate in the state.

20 As detailed in PacifiCorp's Motion to Stay Additional Penalties, the Commission should prevent the daily accrual of any potential penalties until the Commission has adequate time to investigate the issues presented. There are several materially disputed issues of law and fact, and the public interest will not be harmed by a stay.

21 If this Complaint proceeds to the merits, PacifiCorp reserves the right to develop any fact-specific claims or additional legal arguments not contemplated by WAC 480-07-380(1)(a).

#### **IV. Relief Requested**

22 PacifiCorp respectfully requests the Commission dismiss Staff's Complaint, and award any other appropriate relief or remedies that the Commission determines are necessary.

Dated this 27th day of June, 2022.

/s/ Zachary Rogala  
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