

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

<p>WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION, Complainant, v. PACIFICORP, d/b/a PACIFIC POWER & LIGHT COMPANY, Respondent.</p>	<p>Docket No. UE-050684</p>
<p>In the Matter of the Petition of PACIFICORP, d/b/a PACIFIC POWER & LIGHT COMPANY For an Order Approving Deferral of Costs Related to Declining Hydro Generation</p>	<p>Docket No. UE-050412</p>
<p>WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION, Complainant, v. PACIFICORP, d/b/a PACIFIC POWER & LIGHT COMPANY, Respondent.</p>	<p>Docket No. UE-060669 PUBLIC COUNSEL'S ANSWER TO MOTION TO CONSOLIDATE</p>

I. INTRODUCTION

1. The Public Counsel Section of the Washington State Attorney General's Office (Public Counsel) does not oppose PacifiCorp's motion to consolidate Docket No. UE-060669 (2.99 percent rate request) with Docket Nos. UE-050684 and UE-050412 (PacifiCorp 2005 GRC). Reconsideration of the PacifiCorp 2005 GRC and the 2.99 percent request, docketed as UE-060669, are closely related and can and should be resolved together.

II. BACKGROUND

2. On April 17, 2006, the Commission issued its final order in Docket Nos. UE-050684 and UE-050412 – a general rate case filed by PacifiCorp on May 5, 2005. PacifiCorp filed for a reconsideration of that order on April 27, 2006. PacifiCorp also filed a request for a 2.99 percent general rate increase on April 27, 2006 and moved to consolidate the dockets. This is Public Counsel’s answer to the Company’s motion for consolidation.

III. ARGUMENT

3. The party seeking consolidation must show that the proceedings it wishes to consolidate share related facts and principles of law. WAC 480-07-320. Even with such a showing, consolidation is subject to the Commission’s discretion. *Id.* Here there are reasonable arguments for and against consolidation. The key consideration here is that the 2.99 percent request should be rejected or dismissed, whether or not it is consolidated with the main rate case docket.
4. PacifiCorp states two arguments in support of consolidation. First, it argues that administrative efficiency militates towards consolidation because “key issues related to the need for the requested rate increase in the 2.99 Percent Rate Increase Filing have been fully litigated, and have either been resolved or are ripe for resolution, in consolidated Docket Nos. UE-050684 and UE-050412.” Petition, ¶ 2. Second, it argues that consolidation would advance “just and reasonable ratemaking, as the 2.99 Percent Rate Increase Filing affords the Washington Utilities and Transportation Commission with one means of providing PacifiCorp with a portion of the rate relief it has justified in consolidated Docket Nos. UE-050684 and UE 050412.” *Id.*
5. As the argument in support of the motion reveals, the 2.99 percent request, styled as a

rate case, is nothing more than a creative way to reassert a portion of PacifiCorp’s general rate

request already at issue in Docket No. UE-050684. The motion concedes that the factual basis for the request is essentially the same as the underlying rate case. The “mini-case” has no supporting evidence or justification of its own. The 2.99 percent docket is simply an artfully crafted duplicative restatement of a subpart of the pending general revenue case. The amount of revenue requested is calibrated to avoid the full rate case filing requirements of the Commission’s rules. The request is merely a companion to the Petition for Reconsideration argument that the Commission is obligated to afford some level of rate relief in this case. As such, the disposition of the Petition for Reconsideration will determine the disposition of the 2.99 percent request. As Public Counsel has argued in its separate filing today, the Petition for Reconsideration is without merit and should be denied. Consolidation of the two matters will allow the Commission to efficiently dispose of both. Should the Commission decide not to consolidate however, it can and should promptly address the question of dismissal or rejection as the first order of business in the 2.99 percent docket.

6. For the reasons stated above, Public Counsel does not oppose consolidation.

DATED this 16th day of June, 2006.

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