

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

In the Matter of the Petition of)	DOCKET UE-050990
)	
PacifiCorp d/b/a/ Pacific Power & Light Company,)	ORDER 02
)	
Petitioner,)	
)	
Seeking Temporary Exemption from the Provisions of WAC 480-107- 060(2)(b) Relating to Bid Solicitation in Conjunction with Request for Proposals(RFP))	ORDER GRANTING TEMPORARY EXEMPTION FROM WAC 480-107-060(2)(a)
.....)	

BACKGROUND

- 1 On November 21, 2005, PacifiCorp (or Company) filed a petition requesting temporary exemption from WAC 480-107-060(2)(b) beyond the extension granted in UE-050990 Order 01. PacifiCorp requested this temporary exemption until May 31, 2006. The Company argues that it needs more time for necessary revisions to its draft request for proposal (RFP). The company also argues that the requested delay will put the filing on the same schedule as companion filings in two other states. The company states Oregon PUC Docket UM 1209 and Utah PSC Docket No 05-035-47 suspended review of these filings in response to the proposed revisions.

- 2 PacifiCorp filed a proposed RFP as required by WAC 480-107-060(2)(a) June 29, 2005. The Commission subsequently issued a Notice of Public Comment and the comment period ended August 29, 2005. WAC 480-107-060(2)(b) requires that the Commission take action on the proposed RFP within thirty days after the close of the comment period. On September 26, 2005, PacifiCorp filed a petition for exemption from the requirement for Commission action within 30 days after the public comment period ends.

- 3 In the prior request for temporary exemption, as in this one, PacifiCorp cites material revisions in its Least Cost Plan (IRP) which made the size, type and timing of new resources very different than those presented in the Least Cost Plan of January 20, 2005, and consequently assumed in their proposed RFP. On September 28, 2005, the Commission granted a temporary exemption from WAC 480-107-060(2)(b) in Docket

UE-050990 Order 01, allowing the company until November 30, 2005, to refile the proposed RFP.

4 Commission staff reviewed the request of November 21, 2005, and noted that although the company requests a delay of Commission action under WAC 480 107 060(2)(b), the fact that the revisions are so substantial as to prompt the company to offer a new comment period make a temporary exemption from WAC 480-107-060(2)(a), draft RFP filing requirement, more appropriate.

5 On February 22, 2006, staff recommended that the Commission grant PacifiCorp's request for temporary exemption from the draft RFP filing requirement until May 31, 2006. Staff also states that it brings this matter before the Commission now rather than in a timely manner due to an oversight.

FINDINGS AND CONCLUSIONS

6 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate rates, rules, regulations, practices, accounts, securities, and transfers of public service companies, including electric companies. *RCW 80.01.040, Chapter 80.04 RCW, Chapter 80.28 RCW, Chapter 80.08 RCW and Chapter 80.12 RCW.*

7 (2) PacifiCorp is engaged in the business of providing electric services within the state of Washington and is a public service company subject to the jurisdiction of the Commission under the provisions of Chapter 80.28 RCW.

8 (3) PacifiCorp is subject to the provisions of WAC 480-107-060 requiring electric companies to file draft RFPs within 90 days of filing their Least Cost Plan.

9 (4) WAC 480-107-170 provides that the Commission may grant an exemption from the provisions of any rule in Chapter 480-107 WAC, if consistent with the public interest, the purposes underlying regulation and applicable statutes.

10 (5) This matter was brought before the Commission at its regularly scheduled meeting on February 22, 2006.

- 11 (6) After review of the petition filed in Docket UE-050990 by PacifiCorp on November 21, 2005, and giving due consideration, the Commission finds that the temporary exemption is reasonable and should be granted.

ORDER

THE COMMISSION ORDERS:

- 12 (1) After the effective date of this Order, PacifiCorp is granted a temporary exemption from WAC 480-107-060(2)(a) until May 31, 2006.
- 13 (2) The Commission retains jurisdiction over the subject matter and PacifiCorp Corporation to effectuate the provisions of this Order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective February 22, 2006.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Executive Secretary