

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of

PACIFIC POWER & LIGHT
COMPANY,

Petition For a Rate Increase Based on a
Modified Commission Basis Report, Two-
Year Rate Plan, and Decoupling
Mechanism.

DOCKET NO. UE-152253

PACIFIC POWER & LIGHT
COMPANY'S RESPONSE TO
BOISE'S MOTION TO
DISMISS/MOTION TO TREAT AS A
GENERAL RATE CASE

I. INTRODUCTION

1 Under WAC 480-07-380(1)(c), Pacific Power & Light Company (Pacific Power or Company), a division of PacifiCorp, provides the following response opposing the Motion to Dismiss of Boise White Paper, LLC (Boise) and Alternative Motion to Treat As a General Rate Case Filing. To avoid delay, the Company requests that the Washington Utilities and Transportation Commission (Commission) hear Boise's motions at the prehearing conference in this case, now scheduled on December 22, 2015.

2 There is no basis for Boise's motion to dismiss. Boise argues that the Company's petition violates certain orders of the Thurston County Superior Court and the Commission in Puget Sound Energy, Inc.'s (PSE) recent expedited rate filing (ERF) and multi-year rate plan request.¹ Based on the PSE Orders, Boise claims that Pacific Power's decision to forgo any change in cost of capital in this case constitutes a failure to provide substantial evidence and an impermissible shifting of the burden of proof. Boise misinterprets and incorrectly expands the scope of the PSE Orders. Boise also fails to

¹ *Industrial Customers of NW Utils. v. WUTC*, Thurston County Superior Court Case Nos. 13-2-01576-2 and 13-2-01582-7 (consolidated), Order Granting in Part and Denying in Part Petitions for Judicial Review (July 25, 2014) and *WUTC v. Puget Sound Energy, Inc.*, Dockets UE-130137 and UG-130138 (consolidated) *et al.*, Order 15/14 (June 29, 2015) (collectively referred to as PSE Orders).

discuss the critical fact that Pacific Power filed testimony in this case updating its return on equity, negating any argument that the Company’s petition is deficient.²

3 While the motion to dismiss entirely disregards the Company’s return on equity testimony, Boise’s alternative motion points to this testimony as a primary justification to convert the petition to a general rate case. Contradicting its argument that Pacific Power’s return on equity evidence is insufficient, Boise’s alternative motion argues that the Company’s return on equity evidence is robust enough to mandate consideration in a general rate case. To complete its “Catch-22” argument, Boise argues that an exemption from the Commission’s rules to allow the case to proceed in an expedited manner violates the public interest.

4 Pacific Power’s proposed ERF, two-year rate plan, and decoupling mechanism benefits the public interest by addressing the Commission’s “goal to entertain and adopt ratemaking alternatives” to break the cycle of continuous general rate case filings by Washington electric companies.³ Boise’s multiple, inconsistent procedural objections to Pacific Power’s petition attempt to thwart the Commission’s efforts to develop new and streamlined regulatory processes. The public interest, therefore, weighs in favor of the Company’s petition and against Boise’s motions.

² As Pacific Power stated in its Petition for a Rate Increase Based on a Modified Commission Basis Report, Report, Two-Year Rate Plan, and Decoupling Mechanism, “Mr. [Kurt] Strunk’s testimony and analysis provides substantial evidence for the Commission to approve this petition without modifying the Company’s currently authorized return on equity.” Petition at 14, ¶ 28 (Nov. 25, 2015).

³ *WUTC v. Puget Sound Energy, Inc.*, Dockets UE-130137 and UG-130138 (consolidated) *et al.*, Order 07 at 13, ¶ 32 (June 25, 2013).

II. RESPONSE TO MOTION TO DISMISS

A. Standard of Review for a Motion to Dismiss.

5 Boise filed its Motion to Dismiss under WAC § 480-07-380(1)(a), which states that, “[a] party may move to dismiss another party's claim or case on the asserted basis that the opposing party’s pleading fails to state a claim on which the commission may grant relief.” When ruling on a motion to dismiss, the Commission considers the standards applicable to a motion made under Washington Court Rules (CR) 12(b)(6).⁴ A motion to dismiss is granted under CR 12(b)(6) only if “it appears beyond doubt that the plaintiff can prove no set of facts, consistent with the complaint, which would entitle the plaintiff to relief.”⁵ In addition, such motions should be granted only “sparingly and with care.”⁶ As outlined below, the Company’s petition clearly states a claim upon which the Commission may grant relief.

B. In its Motion to Dismiss, Boise Misstates the Law and Misrepresents the Company’s Petition.

1. Boise Misstates the Evidentiary Requirements for a Filing to Change Rates.

6 Boise argues that Pacific Power’s petition should be dismissed because the Company did not request a change or update to its cost of capital, in violation of the PSE Orders.⁷ Boise claims that the Company’s petition impermissibly shifted the burden of proof to other parties.⁸

⁴ *WUTC v. Waste Control, Inc.*, Docket TG-131794, Order 05 at 5, ¶ 12 (Mar. 25, 2014) (“In this review, we consider the facts alleged in the [Company’s] rate case filing in a light most favorable to the Company.”).

⁵ *Bravo v. Dolsen Companies*, 125 Wash.2d 745, 750, 888 P.2d 147, 150 (1995).

⁶ *Id.*

⁷ See Boise’s Motion to Dismiss and Alternative Motion at 1-5, §§ 1-7 (Dec. 10, 2015). Boise does not seek dismissal of the Company’s decoupling mechanism proposal.

⁸ See *id.* at 4-5, § 6-7.

7 The Commission has never required a utility to request a change or update to its cost of capital in all rate filings. For example, in Pacific Power’s 2011 “make whole” rate case filing, the Company did not file testimony on return on equity, proposing instead to maintain the return on equity set in the Company’s 2010 rate case.⁹ No party claimed that the Company’s “make whole” rate case was deficient, no party filed testimony on this issue, and the Commission approved a stipulation incorporating the previously approved return on equity.¹⁰

8 The PSE Orders did not change the law to require litigation of return on equity in every rate filing. The Thurston County Superior Court’s order was based on the particular facts, circumstances, and evidence present in the PSE proceeding, addressing the issue of return on equity in the context of a three-year rate plan.¹¹ The Superior Court specifically limited its order to procedural requirements in that case, deferring to the Commission’s expertise “in understanding the relevant evidence, determining which evidence and models are credible, and determining what ‘fair, reasonable, and sufficient’ means in the context of an individual rate case.”¹²

⁹ *WUTC v. Pacific Power & Light*, Docket UE-111190, Direct Testimony of Andrea L. Kelly, Exhibit No. ALK-1T at 8:1-11 and 9:20-23 (July 1, 2011). *See also* Direct Testimony of Bruce N. Williams, Exhibit No. BNW-1T at 1:23-2:3 (July 1, 2011).

¹⁰ *See WUTC v. Pacific Power & Light*, Docket UE-111190, Order 07 (Mar. 30, 2012).

¹¹ *Industrial Customers of NW Utils. v. WUTC*, Thurston County Superior Court Case Nos. 13-2-01576-2 and 13-2-01582-7 (consolidated), Order Granting in Part and Denying in Part Petitions for Judicial Review at 2 (July 25, 2014) (“the Commission’s findings of fact with respect to the return on equity component of Puget Sound Energy, Inc.’s cost of capital in the context of a multi-year rate plan are not supported by substantial evidence and the Commission improperly shifted the burden of proof on this issue from Puget Sound Energy, Inc. to the other parties in the proceeding below, contrary to RCW 34.05.461(4) and RCW 80.04.130(4).”).

¹² *Id.*, Appendix A (July 25, 2014).

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In the Final Order on Remand in the PSE case, the Commission addressed the Superior Court's order by considering additional evidence on return on equity.¹³ At the same time, the Commission limited the Superior Court's order to the facts of the PSE case by making clear that there was no statutory or other prohibition against the Commission setting rates without considering cost of capital, or that a detailed and costly analysis must be undertaken when the issue was recently decided for a given utility.¹⁴ The Commission specifically reaffirmed that the ERF was designed to update rates established in a general rate case without including cost of capital issues.¹⁵

2. The Sufficiency of Pacific Power's Petition Is Clear Under Any Interpretation of the PSE Orders.

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Precisely to avoid the sort of dispute raised by Boise's motions, Pacific Power's petition includes the testimony of Mr. Kurt G. Strunk, updating his cost of equity analysis from the Company's 2014 rate case.¹⁶ Mr. Strunk "performed cost of capital studies using established financial models and reviewed general trends in capital market conditions."¹⁷

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To support its claim that the Company failed to update its cost of equity, Boise ignores Mr. Strunk's testimony and misleadingly cites to a portion of the testimony of

¹³ See *WUTC v. Puget Sound Energy, Inc.*, Dockets UE-130137 and UG-130138 (consolidated) *et al.*, Order 15/14 (June 29, 2015).

¹⁴ *Id.* at 12, ¶ 21, fn. 18.

¹⁵ *Id.* See also *WUTC v. Cascade Natural Gas Corporation*, Docket UG-151309, Advice No. CNG/W15-06-01 (Jun. 23, 2015). In August 2015, the Commission considered Cascade's request for an exemption from WAC 480-07-505(1)(c) to permit Cascade to change its rate of return without converting its filing to a general rate case. Unlike Pacific Power's petition, Cascade did not submit return on equity testimony. The Commission considered and ultimately rejected the request by a 2-1 vote, but indicated support for non-general rate case proceedings. For example, Commissioner Jones was willing to grant the exemption and proceed with the case because, "[f]lexibility, I think in our ratemaking processes is important. I think we need to be open to new things when they come up." Open Meeting Transcript at 30 (Commissioner Jones) (Aug. 27, 2015).

¹⁶ Direct Testimony of Kurt G. Strunk, Exhibit No. KGS-1T at 8:3-11:11 (Nov. 25, 2015).

¹⁷ *Id.* at 8:5-6 (Nov. 25, 2015).

Ms. Shelly E. McCoy, which lists the elements of the enhanced Commission Basis Report Staff proposed in Pacific Power’s 2013 rate case.¹⁸ Staff’s proposal included “[n]o updates or changes to the authorized rate of return.”¹⁹ Ms. McCoy’s testimony cites to Staff’s proposal to show how the Company used it as a model for its petition. This testimony does not negate the existence of Mr. Strunk’s testimony updating the Company’s cost of equity, as is made clear in the petition²⁰ and the policy testimony of Mr. R. Bryce Dalley.²¹

12 Pacific Power’s petition complies with the PSE Orders and meets the evidentiary standards necessary to prevail against a motion to dismiss. Boise cites *WUTC v. Waste Control Inc.* in support of its motion to dismiss.²² This case is distinguishable because Waste Control did “not dispute that its prefiled testimony and exhibits fail to support most of the adjustments in its general rate case filing” and “only filed testimony and exhibits for the adjustments it expected Staff to contest.”²³ In contrast, Pacific Power’s testimony and exhibits comprehensively support its petition, including the proposal to hold its return on equity constant. In any event, Boise’s arguments about the sufficiency of the Company’s petition go to the merits of the Company’s petition and are improperly raised in a motion to dismiss.

¹⁸ Boise’s Motion to Dismiss and Alternative Motion at 2 and Direct Testimony of Shelley E. McCoy, Exhibit No. SEM-1T at 4:13 (Nov. 25, 2015).

¹⁹ Direct Testimony of Shelley E. McCoy, Exhibit No. SEM-1T at 4:13 (Nov. 25, 2015).

²⁰ Petition at 13-15, §§ 24-29.

²¹ Direct Testimony of R. Bryce Dalley, Exhibit No. RBD-1T at 11:15-14:1 (Nov. 25, 2015).

²² Boise’s Motion to Dismiss and Alternative Motion at 4-5, ¶¶ 6-7.

²³ *WUTC v. Waste Control, Inc.*, Docket TG-131794, Order 05 at 6, ¶ 14 (Mar. 25, 2014).

III. RESPONSE TO ALTERNATIVE MOTION

13 As an alternative to its motion to dismiss, Boise asks the Commission to treat the Company's petition as a general rate case based on two primary arguments.²⁴ First, Boise argues that Mr. Strunk's return on equity testimony and the proposed rate increases near three percent are "well suited to a general rate proceeding."²⁵ Boise disregards the fact that Pacific Power's petition is not a general rate case as defined under WAC 480-07-505(1).

14 Second, Boise acknowledges that the Commission may provide an exemption to its rules for general rate case filings, but argues the Commission should not do so here because the Company's petition is not in the public interest.²⁶ Boise broadly attacks the merits of the Company's petition on this basis, wrongly implying that the Commission must make a public interest determination now to permit the petition to move forward on an expedited basis. In fact, Boise's public interest arguments are irrelevant because the Commission does not need to grant a rule exemption to process the Company's petition.

A. Pacific Power's Petition is Not a General Rate Case Under the Commission's Rules.

15 The Commission's rules distinguish between different types of rate increases.²⁷ More significant rate increases are classified as general rate cases and are subject to requirements designed to standardize presentations, clarify issues, and simplify

²⁴ Boise also cites to the fact that the Commission's website refers to Pacific Power's petition as a "general rate case." Boise's Motion to Dismiss and Alternative Motion at 5. The administrative description of the petition on the website is irrelevant to the legal question of whether the petition constitutes a general rate case under WAC 480-07-505(1).

²⁵ Boise's Motion to Dismiss and Alternative Motion at 6-8, ¶¶ 10-14.

²⁶ *Id.* at 8-14, ¶¶ 15-28.

²⁷ *See* WAC 480-07-500.

processing, generally over an 11-month suspension period.²⁸ The Company's petition is not a general rate case. WAC 480-07-505(1) defines a general rate case as a filing for an increase in rates that meets any of the following criteria:

- (a) The amount requested would increase gross annual revenue of the company from activities regulated by the commission by three percent or more.
- (b) Tariffs would be restructured such that the gross revenue provided by any customer class would increase by three percent or more.
- (c) The company requests a change in its authorized rate of return on common equity or a change in its capital structure.²⁹

16 Pacific Power's proposed annual rate increases are under three percent, the tariffs are structured to cap increases to customer classes at under three percent, and the Company does not request a change to its authorized rate of return on common equity or a change to its capital structure.³⁰

17 The Company's petition responds to the Commission's policy goal of developing new ratemaking mechanisms to avoid a continuous cycle of general rate case filings.³¹ The petition is consistent with Pacific Power's 2013 general rate case where the Commission indicated conceptual support for an ERF.³² As the Commission stated when referring to the PSE ERF, "the filings are in structure, purpose and effect as distinct from a general rate case filing as they possibly could be. The very purpose of these filings is to avoid the need for yet another general rate case proceeding."³³

²⁸ WAC 480-07-500(3). See also RCW 80.28.060 and RCW 80.04.130(1).

²⁹ WAC 480-07-505(1)(d), related to solid waste companies, is not applicable to Pacific Power.

³⁰ See Petition and Direct Testimony of R. Bryce Dalley, Exhibit No. RBD-1T at 11:15-14:1 (Nov. 25, 2015).

³¹ See *WUTC v. Puget Sound Energy, Inc.*, Dockets UE-130137 and UG-130138 (consolidated) *et al.*, Order 07 at i (June 25, 2013).

³² *WUTC v. PacifiCorp*, Docket UE-130043, Order 05 at 82-85, ¶¶ 210-218 (Dec. 4, 2013).

³³ *WUTC v. Puget Sound Energy, Inc.*, Dockets UE-130137 and UG-130138 (consolidated) *et al.*, Order 07 at 3, ¶ 9, fn. 10 (June 25, 2013).

18 Boise argues that the Commission should treat the petition as a general rate case because it includes testimony on Pacific Power’s cost of equity. In particular, Boise claims the testimony is robust enough to avoid any “prejudice or disadvantage” because “Pacific Power supports its filing with the documentation normally required for a general rate case.”³⁴ Boise’s argument is inconsistent with its motion to dismiss and ignores the fact that Pacific Power does not request “a change to its cost of capital established earlier this year in the final order in its 2014 Rate Case.”³⁵ While the Company does reserve its right to fully litigate cost of equity as the Commission determines necessary, this reservation does not convert the Company’s petition into a general rate case under WAC 480-07-505(1).

19 Boise also argues that the petition exceeds the three percent threshold for general rate cases under WAC 480-07-505(1) because the second year rate increase is actually 3.1 percent higher than current rates. Boise fails to acknowledge that the second-year rate increase is in addition to the first-year rate increase and not to current rates.³⁶

20 The Commission rejected similar arguments in the PSE case because “[t]hese arguments ignore the purpose of the Subpart B special rules,” which is to organize and present issues in a comprehensive and complicated general rate case.³⁷ Here, like in the PSE proceeding, the Company’s petition is a response “to the Commission’s invitation to parties to present innovative approaches to ratemaking that would avoid the complex

³⁴ Boise’s Motion to Dismiss and Alternative Motion at 5-6, ¶ 9.

³⁵ Petition at 13, ¶ 24.

³⁶ Boise’s Motion to Dismiss and Alternative Motion at 7-8, ¶¶ 13-14.

³⁷ *WUTC v. Puget Sound Energy, Inc.*, Dockets UE-130137 and UG-130138 (consolidated) *et al.*, Order 07 at 79, ¶ 185 (June 25, 2013).

process of a general rate case and the need to invoke the special rules in WAC 480-07, Subpart B.”³⁸

21 Boise’s argument also blurs an important distinction in the Thurston County Superior Court’s order.³⁹ The Superior Court’s ruling addresses return on equity evidence “in the context of a multi-year rate plan.”⁴⁰ Boise incorrectly implies that this ruling applies equally to a separate ERF. If adopted, this overbroad reading of the Superior Court order would preclude future ERFs. That is, Boise’s position is that a utility must file cost of equity evidence in ERFs or face dismissal, but if a utility files cost of equity testimony, then the Commission must convert the filing to a general rate case. Either way, the ERF could not proceed.

B. If Necessary, the Commission Has Authority to Grant an Exemption From the General Rate Case Requirements of WAC 480-07, Subpart B.

22 Pacific Power’s petition is not a general rate case under WAC 480-07-505(1) and is consistent with the policy goals of the Commission to develop alternative ratemaking proceedings that are not general rate cases.⁴¹ As necessary, however, the Commission may grant an exemption from the general rate case requirements of WAC 480-07, Subpart B, “if consistent with the public interest, the purposes of the underlying regulation, and applicable statutes.”⁴² In the petition, Pacific Power provisionally requested such an exemption.⁴³

³⁸ *Id.* at 80, ¶ 187 (June 25, 2013).

³⁹ Boise’s Motion to Dismiss and Alternative Motion at 6-8, ¶¶ 10-14.

⁴⁰ *Industrial Customers of NW Utils. v. WUTC*, Thurston County Superior Court Case Nos. 13-2-01576-2 and 13-2-01582-7 (consolidated), Order Granting in Part and Denying in Part Petitions for Judicial Review at 2 (July 25, 2014).

⁴¹ *WUTC v. Puget Sound Energy, Inc.*, Dockets UE-130137 and UG-130138 (consolidated) *et al.*, Order 07 at 13, ¶ 32, (June 25, 2013).

⁴² WAC 480-07-110(1).

⁴³ Petition at 5, ¶ 8 and 16, ¶ 31.

23 The Commission granted an exemption in the PSE ERF proceeding because the filing met the public interest standard by addressing the Commission’s policy objective of pursuing alternatives to general rate cases.⁴⁴ This same rationale supports an exemption to WAC 480-07, Subpart B for Pacific Power’s petition.

C. Boise’s Public Interest Arguments Are Irrelevant and Prematurely Argue the Merits of the Company’s Petition.

24 Boise’s arguments regarding the public interest standard conflate the Commission’s policy objective of pursuing alternatives to the general rate case process and the public interest standard associated with exemptions from Commission rules.⁴⁵ Boise argues that the ERF concept is against the public interest.⁴⁶ The Commission has expressly held otherwise.⁴⁷ In addition, the Commission has not required a public interest evaluation before it considers an ERF, contrary to what Boise implies.

25 In support of its public interest claim, Boise argues the merits of Pacific Power’s petition, including the relative benefit of the rate increase cap in the ERF, as opposed to a general rate case.⁴⁸ Boise also raises return on equity issues, evidentiary issues from the Company’s last general rate case related to certain pro forma adjustments, the intervention of the Sierra Club, the use of end-of-period rate base, and the Company’s earnings attrition analysis.⁴⁹

⁴⁴ *WUTC v. Puget Sound Energy, Inc.*, Dockets UE-130137 and UG-130138 (consolidated) *et al.*, Order 07 at 13, ¶ 32 (June 25, 2013). The Thurston County Superior Court affirmed this exemption and held “the Commission acted within its discretion to waive the general rate proceeding.” *See Industrial Customers of NW Utils. v. WUTC*, Thurston County Superior Court Case Nos. 13-2-01576-2 and 13-2-01582-7 (consolidated), Order Granting in Part and Denying in Part Petitions for Judicial Review, Appendix A (July 25, 2014).

⁴⁵ Boise’s Motion to Dismiss and Alternative Motion at 8-14, ¶¶ 15-27.

⁴⁶ *Id.*

⁴⁷ *WUTC v. Puget Sound Energy, Inc.*, Dockets UE-130137 and UG-130138 (consolidated) *et al.*, Order 07 at 13, ¶ 32 and 35-36, ¶ 80 (June 25, 2013).

⁴⁸ Boise’s Motion to Dismiss and Alternative Motion at 9-11, ¶¶ 17-21.

⁴⁹ *Id.* at 11-14, ¶¶ 22-27.

26 Boise’s one-sided discussion of the petition omits its many advantages. The Company will not file a general rate case for a rate change effective before April 1, 2018, which provides customers and the Commission a defined three-year break in general rate cases from the final order in Pacific Power’s most recent general rate case in March 2015 through April 1, 2018.⁵⁰ Pacific Power will also increase low-income funding in 2016 and 2017.⁵¹ The Company proposes to file semi-annual Commission Basis Report that make the rate plan transparent and readily auditable.⁵² Finally, the petition makes rate increases predictable and enables Pacific Power to make the investments necessary to provide and safe and reliable utility service.

27 None of Boise’s objections to the Company’s petition are related to the criteria for a general rate case under WAC 480-07-505(1). Instead, they pertain to substantive issues the parties may address in the adjudicatory process the Commission has already commenced in this docket.⁵³ Boise’s procedural and evidentiary claims are speculative and unsubstantiated.⁵⁴ The Commission has already determined that, as a matter of policy, an ERF is consistent with the public interest. Boise’s arguments addressing the public interest exemption requirements do not address that fundamental fact.⁵⁵

⁵⁰ Petition at 17, ¶ 35 and Direct Testimony of R. Bryce Dalley, Exhibit No. RBD-1T at 18:18-19:5 (Nov. 25, 2015).

⁵¹ Petition at 17-18, ¶36 and *WUTC v. Pacific Power & Light Co.*, Docket UE-111190, Order 07 at 8-9, ¶¶ 17-18 (Mar. 30, 2012).

⁵² Petition at 17-18, ¶36.

⁵³ See UE-152253, Order 01 (Dec. 8, 2015).

⁵⁴ Petition at 11-14, ¶¶ 22-27.

⁵⁵ *WUTC v. Puget Sound Energy, Inc.*, Dockets UE-130137 and UG-130138 (consolidated) et al., Order 07 at 8, ¶ 21 (June 25, 2013) (“We view our approval of the ERF, the decoupling mechanisms, and the rate plan in a single proceeding as a series of steps made in the interest of exploring new forms of rate making. An important policy objective underlying our decision is to relieve all stakeholders and the Commission from the burdens of almost continuous general rate case proceedings that have characterized our utility regulation during recent periods.”).

IV. CONCLUSION

28 The Company respectfully requests that the Commission deny Boise’s Motion to Dismiss and Alternative Motion to Treat as a General Rate Case Filing. Boise misstates the precedent from the PSE case and the Company’s petition satisfies all applicable evidentiary and filing standards.

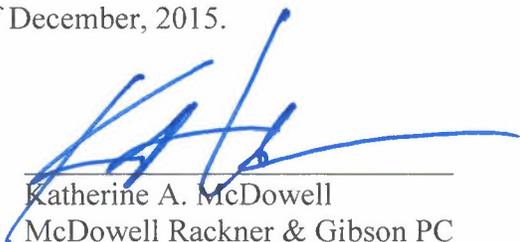
29 The Commission should not treat the Company’s petition as a general rate case because it does not fall under the guidelines set in WAC 480-07-505(1). The Company’s petition is also fully consistent with Commission policy. If necessary, the Commission should grant an exemption to the general rate case procedural requirements because the petition is in the public interest. Boise’s general public interest arguments are irrelevant and improperly address the merits of the Company’s petition.

30 The “Commission historically has shown its willingness and ability to meet [difficult] challenges” and be “flexible when carrying out statutory duties that are fundamentally defined by its obligation to ensure that utility rates are fair just, reasonable and sufficient on a continuing basis.”⁵⁶ Pacific Power’s petition constructively responds

⁵⁶ *WUTC v. Puget Sound Energy, Inc.*, Dockets UE-111048 and UG-111049 (consolidated), Order 08 at 182, ¶ 492 (May 7, 2012).

to the Commission's efforts to develop new mechanisms to meet current ratemaking challenges. Because Boise's motions attempt to thwart these initiatives, the motions should be denied.

Respectfully submitted this 18th day of December, 2015.



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