

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of

AVISTA CORPORATION, D/B/A
AVISTA UTILITIES

For an Order Authorizing
Implementation of a Natural Gas
Decoupling Mechanism and to Record
Accounting Entries Associated with
the Mechanism

DOCKET NO. UG-060518

PUBLIC COUNSEL MOTION FOR
LEAVE TO PRESENT ORAL
DIRECT TESTIMONY

I. MOTION

For the reasons set forth below, Public Counsel respectfully asks the Commission for leave to present oral direct testimony by Senior Analyst Mary Kimball and consultant Michael Brosch at the hearing in this matter scheduled for Monday, March 24, 2008.

II. ARGUMENT

On Thursday, March 20, 2008, Avista filed pre-filed direct testimony and exhibits for two witnesses, Brian Hirschhorn and Dr. Jane Peters. Although the procedural context is not a routine one, the filing nevertheless appears procedurally objectionable. The schedule adopted by the Commission provided only for comments on March 17, 2008. Avista did not request or receive leave to file supplemental late comments, leave to file written testimony or exhibits, or leave to have rebuttal to the March 17 filings. In addition, as with Avista's comments on

March 17, the testimony addresses issues beyond the scope of the narrow question identified in the Commission's notice.¹

Notwithstanding the objectionable nature of the Avista filings, rather than filing a motion to strike or other challenge, Public Counsel believes the preferred approach at this stage is to address the merits of the evaluation process. While Public Counsel is aware that the Commission has sought to limit the scope of Monday's hearing, Avista's filings have gone into broader issues. For this reason, if the Commission wishes to consider the testimony or issues raised in Avista's filings, it is appropriate that other parties have the chance to respond. Public Counsel therefore requests leave to present its own oral direct testimony on those issues at the hearing on Monday.

Public Counsel will be prepared to address the three questions identified in Mr. Hirschhorn's testimony upon which Commission guidance is requested. Public Counsel respectfully requests that the Commission also consider providing guidance on the following related questions, in order to make the remaining discussions on the evaluation plan more focused and productive.

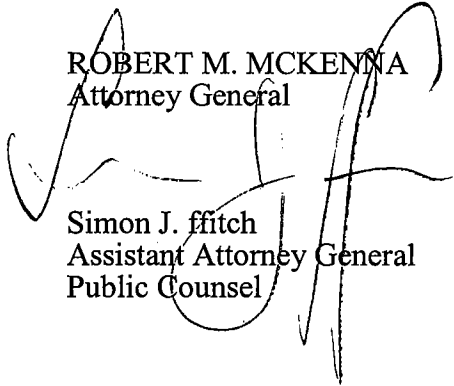
Schedule - Public Counsel is prepared to recommend a schedule for the evaluation process which addresses the issues raised so far. A copy of the proposed schedule is attached as Attachment A to this motion.

¹ Dr. Peters' testimony also appears to contain objectionable hearsay.

Criteria for Independence of Evaluator – Public Counsel has suggested criteria for qualified evaluators (please see Attachment A to Public Counsel’s March 17 Comments, p. 2). Public Counsel is concerned that Avista’s unilateral approach to Research in Action and the indirect contact with Nexant has already introduced bias as to those entities.

Respectfully submitted.

Dated this 21ST day of March, 2008.



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