

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

WASHINGTON UTILITIES AND)	DOCKET NO. UG-041515
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	ORDER NO. 02
)	
v.)	
)	PREHEARING CONFERENCE
AVISTA CORPORATION, d/b/a)	ORDER; INVOKING DISCOVERY
AVISTA UTILITIES,)	RULES; NOTICE OF PREHEARING
)	CONFERENCE
Respondent.)	(Set for October 11, 2004, 1:30 p.m.)
.....)	

1 **PROCEEDING:** Docket No. UG-041515 involves a filing of Avista Corporation, d/b/a Avista Utilities, of tariffs seeking an increase in its rates and charges for providing utility service in the State of Washington.

2 **CONFERENCE:** The Commission convened a prehearing conference in this docket at Olympia, Washington on September 23, 2004, before Administrative Law Judge C. Robert Wallis.

3 **APPEARANCES.** David Meyer, attorney, Spokane, represents respondent Avista Utilities. Ed Finklea, attorney, Portland, Oregon, appeared for the Northwest Industrial Gas Users (“NWIGU”). Chuck Eberdt, director, appeared for the Energy Project/The Opportunity Council. Robert Cromwell appeared on behalf of the Public Counsel section of the Attorney General Division. Gregory J Trautman appeared for Commission Staff. Contact information provided at the conference for the parties’ representatives is attached as Appendix A to this order.¹

¹ In addition, John O’Rourke, Director, entered an appearance on behalf of the Citizens’ Utility Alliance of Washington. Mr. O’Rourke asked that the Alliance be listed as a docket observer for the proceeding, rather than seek intervention. He did not foreclose petitioning for intervention at

4 **PETITIONS FOR INTERVENTION.** The Commission received requests for intervention from the Northwest Industrial Gas Users and the Energy Project. No party objected to either petition for intervention, which were granted.

5 **PROTECTIVE ORDER.** The parties asked the Commission to enter a protective order in this docket pursuant to RCW 34.05,446, RCW 80.04.095, and WAC 480-07-160 to protect the confidentiality of proprietary information. The request was granted, and a protective order will be entered.

6 **DISCOVERY.** Parties desire to engage in discovery of information in the proceeding. The proceeding qualifies under WAC 480-07-400 – 425 as a proceeding in which inquiries may be made to the extent provided in the rule. The discovery rule is invoked.

7 **PRELIMINARY MOTIONS.** The parties indicated that they anticipated no preliminary or dispositive motions.

8 **SETTLEMENT DISCUSSIONS.** Counsel for Commission Staff and the Company indicated that those two parties had engaged in preliminary settlement discussions, and that they appeared close to an agreement in principle subject to completion of a Commission Staff audit of Company records related to the increase. They indicated a desire that, if parties agreed, rates become effective on November 1, 2004, to be in effect for the 2004-2005 heating season. They understand that scheduling challenges might not allow completion of process by that date. Other parties were unaware of the potential terms for such an agreement, and had not participated in the discussions to date. All parties indicated an open mind with regard to settlement, however, and all consented to a temporary hiatus in the procedural schedule to permit the parties to

a later date, and indicated understanding that the Commission would have discretion to grant or deny such a request.

concentrate on resolving matters. The Company declined to offer an extension of the suspension period depending on contingent events, but did not foreclose such a discussion if contingencies arose.

9 **PREHEARING CONFERENCE:** The parties agreed to the scheduling of a prehearing conference on October 11, 2004, for the purpose of identifying whether the settlement had been achieved and for making or confirming necessary procedural and logistical arrangements for whichever avenue were available. **All parties please take notice that the Commission will convene a prehearing conference in this docket, beginning at 1:30 p.m. on Monday, October 11, 2004, in the Commission's Hearing Room, Room 206, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** The purpose of the conference will be to address scheduling and other logistical matters and to address such procedural issues as the Commission or the parties may raise.

10 **SETTLEMENT REVIEW HEARING:** The Commission has reserved time in the Commission's hearing room at Olympia, Washington on October 22, 2004, for a presentation of a potential settlement in this docket. The viability of this date is expected to be known on October 11, and we anticipate that a notice may be served on October 12 if the date will be used.

11 **HEARING TO RECEIVE TESTIMONY FROM MEMBERS OF THE PUBLIC:** The Commission is arranging facilities at Spokane, Washington, on October 28, 2004, to conduct a hearing to receive comments from members of the public about a potential settlement. If a hearing on a proposed settlement is not appropriate, then the reservation will be cancelled and the hearing will be rescheduled at a later time.

- 12 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file with the Commission an original plus nine (9) copies of all pleadings, motions, briefs, and other prefiled materials. If the filing includes confidential material, the filing must include a confidential original plus 9 paper copies, collated as sets, and an electronic copy, clearly marked as such. In addition, the filing must include a redacted original. Further information about organization of confidential material for filing is set out in WAC 480-07-160. Paper copies of these materials are required to conform to the format and publication guidelines set forth in WAC 480-07-395 and 480-07-460, and must be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.
- 13 All filings must be mailed to the Commission Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250, or delivered by hand to the Commission Secretary at the Commission's Records Center at the Washington Utilities and Transportation Commission, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington, 98504. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 14 An electronic copy of all filings must be provided by e-mail delivery to <records@wutc.wa.gov>. Alternatively, Parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette including the filed document(s). The Commission prefers that parties furnish electronic copies in .pdf (Adobe Acrobat) format, supplemented by a separate file in MS Word 6.0 (or later), or WordPerfect 5.1 (or later) format. Parties are required to organize and identify electronic files as specified in WAC 480-07-140(5).

- 15 **ELECTRONIC FILING.** Parties may only file documents electronically with the Commission in this proceeding with the permission of the administrative law judge. Under WAC 480-07-145(6), electronic filing of documents provides a one-day extension of the paper-filing requirement. If, at any time during this proceeding, parties are authorized to file documents with the Commission electronically under WAC 480-07-145(6), Parties must submit the document to records@wutc.wa.gov, and file an original, plus nine (9) copies, of the document with the Commission by the following business day.
- 16 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1142.
- 17 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective this 30th day of September, 2004.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

C. ROBERT WALLIS
Administrative Law Judge

APPENDIX A

PARTIES' REPRESENTATIVES
DOCKET NO. UG-041515

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Avista Corporation	David Meyer P.O. Box 3727 Spokane, WA 99220	(509) 495-4316	(509) 495-4361	david.meyer@avistacorp.com
Northwest Industrial Gas User	Edward A. Finklea Chad M. Stokes Cable Huston Benedict Haagensen & Lloyd LLP 1001 SW 5 th Avenue Suite 2000 Portland, OR 97204-1136	(503) 224-3092	(503) 224-3176	efinklea@chbh.com cstokes@chbh.com
The Energy Project	Chuck Eberdt 1701 Ellis Street Bellingham, WA 98225	(360) 255-2192	(360) 671-2753	chuck_eberdt@opportunitycouncil.org
Public Counsel	Robert Cromwell Public Counsel Section Office of Attorney General 900 Fourth Avenue Suite 2000 Seattle, WA 98164-1012	(206) 464-6595	(206) 389-2058	robertc1@atg.wa.gov
Staff	Gregory J. Trautman Attorney at Law 1400 S. Evergreen Park Drive S.W. P.O. Box 40128 Olympia, WA 98504-0128	(360) 664-1187	(360) 586-5522	gtrautma@wutc.wa.gov