

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PACIFICORP, d/b/a PACIFIC POWER &
LIGHT COMPANY,

Respondent.

DOCKET UE-210829

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PACIFICORP, d/b/a PACIFIC POWER &
LIGHT COMPANY,

Respondent.

DOCKET UE-220376

PUBLIC COUNSEL'S RESPONSE
TO COMMISSION STAFF'S
MOTION TO CONSOLIDATE
PROCEEDINGS

- I. On June 27, 2022, the UTC Staff (Commission Staff or Staff) filed a Motion to Consolidate Proceedings (Motion to Consolidate) requesting that the Washington Utilities and Transportation Commission (Commission) consolidate the proceeding regarding PacifiCorp's Clean Energy Implementation Plan in Docket UE-210829 (CEIP Docket) with the formal complaint for penalties issued in Docket UE-220376 (Complaint Docket).¹ In accordance with WAC 480-07-320 and 480-07-375(4), the Public Counsel Unit of the Washington State Attorney General's Office (Public Counsel) hereby responds to the Commission Staff's Motion to

¹ Commission Staff's Motion to Consolidate Proceedings; *see also* PacifiCorp Clean Energy Implementation Plan (Docket UE-210829); Commission Staff Complaint and Notice of Prehearing Conference (Docket UE-220376).

Consolidate. Public Counsel does not oppose the Motion to Consolidate Dockets UE-210829 and UE-220376, and does not oppose the Commission Staff’s request that the Commission set the procedural schedule of the consolidated Dockets for adjudication.

2. The Commission’s procedural rules permit parties to move to consolidate proceedings.² The Commission may grant such a motion if “the facts or principles of law are related” between the proceedings,³ if consolidation serves “judicial economy and administrative efficiency,”⁴ and if consolidation does not “unduly delay the resolution of one or all of the proceedings.”⁵

3. Here, Public Counsel recognizes that each Docket has near-identical factual overlap, each drawing from the same information sources related to PacifiCorp’s December 30, 2021, CEIP filing in Docket UE-210829 as the bases for comments filed in the CEIP Docket and for the enforcement action in the Complaint Docket.

4. Public Counsel also recognizes that consolidating the proceedings serves the ends of judicial economy and administrative efficiency. Given their linkage, the Commission could consolidate the proceedings and resolve the issues in both Dockets in the consolidated proceeding. This approach is similar to what the Commission has done in the past where, for example, an accounting petition is linked to a rate case.⁶ As stated in Staff’s Motion to Consolidate, the CEIP Docket has not been set for an adjudication or an open meeting pursuant

² WAC 480-07-320. The Commission may also consolidate proceedings on its own motion.

³ *Id.*

⁴ *In re Determining the Proper Classification of Lowper, Inc.*, Dockets UW-091006 & UW-110213 (*Consol.*), Order 02/01, ¶ 5 (Mar. 24, 2011).

⁵ *Wash. Utils. & Transp. Comm’n v. Puget Sound Energy*, Dockets UE-111048 & UG-111049 (*Consol.*) & UG-110723, Order 04/04, ¶ 8 (Sept. 7, 2011).

⁶ E.g., *Wash. Utils. & Transp. Comm’n v. Nw. Nat. Gas Co.*, Dockets UG-080519 & UG-080530 (*Consol.*), Order 01/01, ¶ 9 (May 2, 2008).

to WAC 480-100-645. However, pursuant to RCW 19.405.060(1)(c), the Commission “after a hearing, must by order approve, reject, or approve with conditions an investor-owned utility’s clean energy implementation plan and interim targets.” Additionally, the Commission “may commence an adjudicative proceeding at any time with respect to any matter within its jurisdiction and within the scope of its authority.”⁷ Accordingly, Public Counsel recognizes that consolidation would enable the Commission to issue a decision in the consolidated docket on related issues in both the CEIP Docket and the Complaint Docket.

5. Finally, Public Counsel recognizes that consolidation would not unduly delay the resolution of either Docket. While consolidation would place the outcome of the CEIP Docket on the timeline of the Complaint Docket, there is no significant delay to doing so, and it does not prejudice Commission Staff or PacifiCorp.

6. For the reasons described above, Public Counsel does not oppose the Commission Staff’s Motion to Consolidate Proceedings in Docket UE-210829 and Docket UE-220376.

Dated this 10th day of August, 2022.

ROBERT W. FERGUSON
Attorney General

/s/ *Ann Paisner*

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⁷ WAC 480-07-305(1).