

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	DOCKET UE-130043
TRANSPORTATION)	
COMMISSION,)	ORDER 03
)	
Complainant,)	
)	PREHEARING CONFERENCE
v.)	ORDER; NOTICE OF HEARING
)	(Set for August 26, 2013)
PACIFICORP D/B/A PACIFIC)	
POWER & LIGHT COMPANY,)	
)	
Respondent.)	
.....)	

- 1 **PROCEEDING:** On January 11, 2013, PacifiCorp d/b/a Pacific Power & Light Company (PacifiCorp) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff WN U-75. The stated effective date is February 10, 2013. The purpose of the filing is to increase rates and charges for electric service provided to customers in the state of Washington. With this filing, the Company requests an electric rate increase of \$42.8 million, or 14.1 percent. The Commission suspended operation of the as-filed tariffs by Order 01 entered in this docket on January 24, 2013.

- 2 **CONFERENCE/PRESIDING OFFICER.** The Commission convened a prehearing conference in this proceeding at Olympia, Washington on February 13, 2013, before Administrative Law Judge Dennis J. Moss, whom the Commission appoints as presiding officer in this proceeding. The Commission appoints Administrative Law Judge Stephany A. Watson as co-presiding officer.

- 3 **PARTY REPRESENTATIVES:** Sheree Strom Carson, Perkins Coie, Bellevue, Washington, represents PacifiCorp. Lisa W. Gafken, Assistant Attorney General, Seattle, Washington, represents the Public Counsel Section of the Washington Office of Attorney General (Public Counsel). Robert D. Cedarbaum, Senior Assistant

Attorney General, Olympia, Washington, represents the Commission's regulatory staff (Commission Staff or Staff).¹

4 Melinda J. Davison and Joshua D. Weber, Davison Van Cleve, Portland, Oregon, represent the Boise White Paper, L.L.C. (Boise). Irion Sanger, Davison Van Cleve, Portland, Oregon, represents the Columbia Rural Electric Association (CREA).

5 **PETITIONS FOR INTERVENTION.** Boise and CREA filed their respective petitions to intervene on January 15, 2013, and February 7, 2013. The Energy Project filed its petition to intervene on February 11, 2013. PacifiCorp filed its opposition to CREA's intervention on February 11, 2013. CREA replied on February 13, 2013.

6 The Commission heard argument during the prehearing conference concerning CREA's petition. CREA is a competitor of PacifiCorp in Washington. CREA's concern in this proceeding stems from PacifiCorp's proposed changes to Schedule 300. According to PacifiCorp's prefiled direct testimony, "the Company proposes to eliminate the set fees that residential customers pay for requesting removal of service drops and meters and instead charge customers the actual costs for these removals."² While CREA does not have a direct and substantial interest in charges to PSE's customers, the Commission has a strong interest in seeing that the record is fully developed relative to changes PacifiCorp proposes. CREA's participation, limited to this issue, may result in a record that more fully informs the Commission on this matter than would be the case without CREA's participation. The Commission determines for this reason that CREA's participation is in the public interest, which establishes sufficient grounds for allowing it to intervene. The Commission grants CREA's petition to intervene for the limited purpose of addressing the issues raised by PSE's filing relative to Schedule 300, and related changes to Rule 6 in the General Rules and Regulations part of PacifiCorp's tariff.

¹ In formal proceedings, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

² Exhibit No. BAC-1T (Coughlin) at 2:19-21.

7 There is no opposition to Boise's petition to intervene, or to that of the Energy Project. Both of these parties establish by their petitions their respective substantial interests in this proceeding and that their participation will be in the public interest. The Commission grants the petitions to intervene by Boise and the Energy Project.

8 **MOTION FOR PROTECTIVE ORDER.** Concurrent with its Petition, PacifiCorp filed its Motion for Amended Protective Order with Highly Confidential Provisions. It is apparent that this proceeding will require scrutiny by the parties and the Commission of sensitive commercial information. The Commission entered its standard form of Protective Order including Highly Confidential Provisions, as Order 02 on January 25, 2013, to expedite the exchange of such information among the parties and ensure its availability to the Commission, as provided in RCW 80.04.095 and WAC 480-07-420.

9 **DISCOVERY.** Discovery will be conducted under the Commission's discovery rules, WAC 480-07-400 – 425. The response time for data requests initially is ten (10) business days. After the date for response testimony, the time for responses to data requests will be seven (7) business days. After the date for rebuttal testimony, the time for responses to data requests will be five (5) business days.

10 To expedite the exchange of potentially relevant information, in addition to timely responses to discovery requests, all parties are required to provide all work papers, including model runs and source documents, at the time they prefile testimony and exhibits.

11 The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution.

12 **PROCEDURAL SCHEDULE.** The Commission adopts the procedural schedule set forth in Appendix A to this Order.

- 13 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and submit electronically all proposed cross-examination exhibits by 2:00 p.m. on August 22, 2013. The Commission requires 9 copies of the fully unredacted version of exhibits. The Commission also requires 2 copies of a redacted set of any confidential exhibits so that these can be made available by the Commission in response to a public records request or posted to the Commission's web pages. The redacted set of exhibits must be submitted electronically by 4:00 p.m. on August 23, 2013, followed by filing by 3:00 p.m. on August 26, 2013.
- 14 Except as otherwise agreed between parties, proposed cross-examination exhibits must be served on all parties at the time they are filed with the Commission. Two copies must be furnished to the party sponsoring the witness the party intends to cross examine with the exhibits. Parties may waive the right to service of cross-examination exhibits in whole or in part. This may be appropriate, for example, when a proposed exhibit has been previously furnished during the discovery process.
- 15 The exhibits must be accompanied by an exhibit list and must be organized into sets that are **tabbed, labeled, and grouped** according to the witness the party intends to cross examine with the exhibits. Cross-examination exhibits not conforming to these requirements may be rejected. Each party's cross-examination exhibit list must be filed with the Commission (9 copies) and served on all parties by 2:00 p.m. on August 22, 2013.
- 16 **NOTICE OF HEARING.** The Commission will hold evidentiary hearings in this matter beginning **August 26, 2013, at 9:30 a.m.**, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. Hearings will continue from day to day thereafter, or as otherwise scheduled, until completed. The Commission may alter this schedule by subsequent notice.
- 17 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file the original plus **19** copies of the unredacted versions of all pleadings, motions, briefs, and other prefiled materials. Parties must also file the original and one copy of any redacted version(s). These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials 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.

- 18 All filings must be mailed or delivered to the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 19 An electronic copy of all filings must be provided through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail delivery to (records@utc.wa.gov). Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.
- 20 **ELECTRONIC SUBMISSION OF DOCUMENTS.** The Commission grants a one-day extension of the paper-filing requirement under WAC 480-07-145(6), allowing electronic submission of documents with the Commission on the deadlines established by the procedural schedule. Parties must submit documents through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail to (records@utc.wa.gov), and file an original, plus **19** paper copies, of the documents with the Commission by the following business day. Parties must provide courtesy copies of their electronic submissions to the presiding administrative law judge and the parties to the proceeding.
- 21 The Commission requires parties to submit documents in adjudicative proceedings no later than 2:00 p.m. on the deadline date to give Records Center personnel adequate time to post and distribute them.
- 22 **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 360-664-1355.

- 23 **NOTICE TO PARTIES:** A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.

Dated at Olympia, Washington, and effective February 14, 2013.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS
Administrative Law Judge

APPENDIX A
PROCEDURAL SCHEDULE
DOCKET UE-130043

EVENT	DATE
Company Direct Testimony and Exhibits	January 11, 2013
Prehearing Conference	February 13, 2013
Public Notice Report Date	April 15, 2013
Issues List (per Company as-filed case)	April 30, 2013
Settlement Conference/Workshop	May 14, 2013
Staff, Public Counsel and Intervenor Response Testimony and Exhibits	June 21, 2013 ³
Updated Issues List (incorporating Staff, Public Counsel and Intervenor(s) issues)	July 9, 2013
Settlement Conference	July 11, 2013
Public Comment Hearing(s)	Between July 11-16, 2013
Company Rebuttal Testimony and Exhibits; Cross-Answering Testimony and Exhibits	August 2, 2013 ⁴

³ Discovery responses will be due on a 7 business day turn around after June 21, 2013.

Final Issues List (incorporating Company rebuttal)	August 12, 2013
Discovery Deadline (<i>i.e.</i> , last date to issue data requests)	August 14, 2013
File and Distribute Cross Exhibits	August 22, 2013
Evidentiary Hearing	August 26-30, 2013
Simultaneous Post-Hearing Initial Briefs (60 page limit)	October 1, 2013
Simultaneous Post-Hearing Reply Briefs (15 page limit)	October 11, 2013
Order by Suspension Date	December 11, 2013

⁴ Discovery responses will be due on a 5 business day turn around after August 2, 2013.

APPENDIX B

PARTIES' REPRESENTATIVES
DOCKET UE-130043

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
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	<i>Discovery Requests and Responses</i>			pacdrs@perkinscoie.com
Commission Staff	Robert D. Cedarbaum Senior Assistant Attorney General 1400 S. Evergreen Park Dr. SW P.O. Box 40128 Olympia, WA 98504-0128	360-664-1188	360-586-5522	bcedarba@utc.wa.gov

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