

**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-230172 <i>(Consolidated)</i> ORDER 03
In the Matter of ALLIANCE OF WESTERN ENERGY CONSUMERS' Petition for Order Approving Deferral of Increased Fly Ash Revenues	DOCKET UE-210852 <i>(Consolidated)</i> ORDER 01 PREHEARING CONFERENCE ORDER; ORDER CONSOLIDATING DOCKETS; NOTICE OF HEARING (Evidentiary Hearing set for December 11-12, 2023, at 9 a.m.)

- 1 **NATURE OF PROCEEDING.** On April 19, 2023, PacifiCorp d/b/a Pacific Power (PacifiCorp or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff WN U-76. The purpose of the filing is to increase rates and charges for electric service provided to customers in the state of Washington. Specifically, PacifiCorp requests a two-year rate plan with an increase in revenues of approximately \$26.8 million for rate year one and an increase of approximately \$27.9 million for rate year two. Under the Company's proposal, the average residential customer using 1,200 kilowatt-hours per month would receive a \$12.11 increase in the first year, followed by a \$9.34 increase in the second year.

2 The Commission suspended operation of the tariffs on May 2, 2023, by Order 01 entered
in this Docket.

3 **CONFERENCE.** The Commission convened a virtual prehearing conference on May 17,
2023, before Administrative Law Judge Rayne Pearson.

4 **APPEARANCES.** Carla Scarsella, Deputy General Counsel, and Ajay Kumar, Assistant
General Counsel, Portland, Oregon; and Jocelyn Pease, Katherine McDowell, and Adam
Lowney, McDowell Rackner Gibson PC, Portland, Oregon, represent PacifiCorp. Nash
Callaghan, Jeff Roberson, Josephine Strauss, Jackie Neira, and Liam Weiland, Assistant
Attorneys General, Tumwater, Washington, represent Commission staff (Staff).¹ Ann
Paisner, Lisa Gafken, and Nina Suetake, Assistant Attorneys General, Seattle,
Washington, represent the Public Counsel Unit of the Attorney General’s Office (Public
Counsel). Justina Caviglia, Parsons Behle & Latimer, Reno, Nevada, represents Walmart,
Inc. (Walmart). Summer Moser and Tyler Pepple, Davison Van Cleve, P.C., Portland,
Oregon, represent the Alliance of Western Energy Consumers (AWEC). Yochanan
Zakai, Shute, Mihaly & Weinberger LLP, San Francisco, California, represents The
Energy Project (TEP). Irion Sanger and Joni Sliger, Sanger Law P.C., Portland, Oregon,
represent the NW Energy Coalition (NVEC). Rose Monahan, Staff Attorney, Oakland,
California, represents the Sierra Club. Contact information for party representatives is
attached as Appendix A to this Order.

5 **PETITIONS FOR INTERVENTION.** AWEC, NVEC, TEP, Walmart, and the Sierra
Club timely filed petitions to intervene.

6 Absent objections to the petitions to intervene, the Commission finds that these
petitioners have established a substantial interest in this proceeding and that their
participation will be in the public interest. Accordingly, the Commission grants those
petitions.

7 **MOTION TO CONSOLIDATE.** On November 8, 2021, AWEC filed a petition for
accounting order (Petition) in Docket UE-210852. In its Petition, AWEC requests the

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.

Commission enter an order requiring PacifiCorp to defer from the date of the Petition the revenue generated by the Company's increased Jim Bridger fly ash sales.

- 8 On April 28, 2023, AWEC filed a Motion to Consolidate its accounting petition in Docket UE-210852 with PacifiCorp's general rate case in Docket UE-230172. No party objected to AWEC's Motion, and the Motion was granted.
- 9 Dockets UE-231072 and UE-210852 are consolidated.
- 10 **PROTECTIVE ORDER.** The Commission entered Order 02, Protective Order, in this Docket on May 2, 2023.
- 11 **DISCOVERY.** Order 01 provides that discovery will be conducted under the Commission's discovery rules, WAC 480-07-400 – 425. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution.
- 12 The Commission believes it will aid discovery in this case if all responses to data requests are shared with all parties. No party objects to the Commission making the exchange of data requests and responses with all parties a requirement for discovery in this case. Accordingly, the Commission requires the parties to share every data request and data request response with all parties, subject to any confidentiality limitations contained in Commission rule or the protective order issued in this docket.
- 13 At the prehearing conference, Staff proposed further requirements for parties issuing data requests. Staff proposed requiring that the requesting party (1) include a list in the email serving the data request that identifies each data request by number and the subject or issue of each data request being issued and (2) group the data requests by subject or issue in the cover letter serving the data request. No party objected to these proposed requirements. The Commission therefore adopts Staff's recommendations on this issue for the purposes of this case.
- 14 **PROCEDURAL SCHEDULE.** Staff presented a procedural schedule at the prehearing conference and the parties agreed with minor modifications. The Commission adopts the parties' proposal. The procedural schedule is attached to this Order as Appendix B. The parties may modify the date of the settlement conferences by providing written notice to the Commission.

15 **DOCUMENT FILING AND SERVICE REQUIREMENTS.** Parties must file and serve all pleadings, motions, briefs, and other pre-filed materials in compliance with all of the following requirements:

- (a) Parties must submit electronic copies of all documents by 5 p.m. on the filing deadline established in the procedural schedule (or other deadline as applicable) unless the Commission orders otherwise. Parties must comply with WAC 480-07-140(6) in formatting, organizing, and identifying electronic files.
- (b) The Commission accepts only electronic versions of documents for formal filing. Parties must submit documents electronically through the Commission's web portal (www.utc.wa.gov/e-filing). If a party is unable to use the web portal to submit documents for filing, the Commission will accept a submission via email to records@utc.wa.gov, provided that the email: (1) explains the reason the documents are not being submitted via the web portal, and (2) complies with the requirements in WAC 480-07-140(5)(b).
- (c) Documents filed with the Commission must conform to the formatting and other requirements in WAC 480-07-395 and WAC 480-07-460 and must comply with the requirements in WAC 480-07-160 and the Protective Order in this docket for documents that include information designated as confidential.
- (d) Parties must electronically serve the other parties and provide courtesy electronic copies of filings to the presiding administrative law judge (rayne.pearson@utc.wa.gov) by 5 p.m. on the filing deadline unless the Commission orders otherwise. If parties are unable to email copies, they may furnish electronic copies by delivering them on a flash drive only.

16 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and serve all proposed cross-examination exhibits by **5 p.m. on Monday, December 4, 2023**. The Commission requires electronic copies in searchable PDF (Adobe Acrobat or comparable software). If any of the exhibits contain information designated as confidential, parties must file an electronic copy of the redacted version in searchable PDF (Adobe Acrobat or comparable software) of each such exhibit. The exhibits must be grouped according to the witness the party intends to cross examine with the exhibits.

- 17 **EXHIBIT LISTS.** With each submission of pre-filed testimony and exhibits, the party making the submission must include a preliminary exhibit list that identifies each submitted exhibit in the format the Commission uses for exhibit lists it prepares for evidentiary hearings. The Company will prepare its preliminary exhibit list and circulate it to the parties. Each party must file and serve a final list of all exhibits the party intends to introduce into the evidentiary record, including all pre-filed testimony and exhibits, as well as cross-examination exhibits by **5 p.m., Monday, December 4, 2023.**
- 18 **CROSS-EXAMINATION TIME ESTIMATES.** Each party must provide a list of witnesses the party intends to cross-examine at the evidentiary hearing and an estimate of the time that party anticipates the cross-examination of that witness will take. Parties should not file witness lists or cross-examination time estimates but must provide them to the administrative law judge (rayne.pearson@utc.wa.gov) and the other parties by **5 p.m., Monday, December 4, 2023.**
- 19 **PUBLIC COMMENT HEARING.** The Commission will hold a public comment hearing in these consolidated Dockets at a date to be determined. PacifiCorp's customers will receive notice of the date, time, and address of the public comment hearing, as well as other information required under WAC 480-90-197, at least 30 days prior to the date of the public comment hearing. The public comment hearing will be held virtually via Zoom.
- 20 **NOTICE OF EVIDENTIARY HEARING.** The Commission will hold a hybrid evidentiary hearing in these Dockets on **Monday, December 11, 2023, at 9 a.m., continuing if needed on Tuesday, December 12, 2023, at 9 a.m.** The hearing will have both virtual and in-person attendance options. The hearing will convene in the Commission's Hearing Room, First Floor, Commission Headquarters, 621 Woodland Square Loop S.E., Lacey, Washington. To attend the hearing via Zoom, [click here to join meeting](#)², or call(253) 215-8782 and enter the Conference ID: 862 7075 3913# and use the Passcode: 589075#.
- 21 **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 has limited ability to provide dispute resolution

² <https://utc-wa-gov.zoom.us/j/86270753913?pwd=NTFqRnhxMkNXQkxPVkw5Z1hldzR4dz09>

services. If you wish to explore those services, please contact Rayne Pearson, Director, Administrative Law Division (360-664-1136).

- 22 **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 this Order, in the upper right-hand corner. Absent such objection, this Order will control further proceedings in these consolidated Dockets, subject to Commission review.**

Dated at Olympia, Washington, and effective May 24, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Rayne Pearson
RAYNE PEARSON
Administrative Law Judge

**APPENDIX A
PARTIES' REPRESENTATIVES**

PARTY	REPRESENTATIVE	PHONE	E-MAIL
PacifiCorp	Katherine McDowell Jocelyn Pease Adam Lowney McDowell Rackner & Gibson PC 419 SW 11th Avenue STE 400 Portland, OR 97205	(503) 290-3620	katherine@mrg-law.com jocelyn@mrg-law.com adam@mrg-law.com
	Carla Scarsella, Deputy General Counsel Ajay Kumar, Assistant General Counsel PacifiCorp 825 NE Multnomah St., Suite 2000 Portland, OR 97232		carla.scarsella@pacificorp.com ajay.kumar@pacificorp.com
Commission Staff	Nash Callaghan Jeff Roberson Josephine Strauss Jackie Neira Liam Weiland Assistant Attorneys General Office of the Attorney General Utilities and Transportation Division 1400 S. Evergreen Park Drive S.W. P.O. Box 40128 Olympia, WA 98504	(360) 586-7777	Nash.callaghan@atg.wa.gov Jeff.roberson@atg.wa.gov Josephine.strauss@atg.wa.gov Jackie.neira@atg.wa.gov Liam.weiland@atg.wa.gov
Public Counsel	Lisa Gafken Ann Paisner Nina Suetake Assistant Attorneys General Washington Attorney General's Office Public Counsel Unit 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188	(206) 464-6595 (206) 464-6451 (206) 389-2055	Lisa.Gafken@atg.wa.gov Ann.Paisner@atg.wa.gov Nina.Suetake@atg.wa.gov
	Chanda Mak Corey Dahl Roman Doyonnas Brice Hartman	(206) 389-3972 (206) 464-6380 (206) 254-0562 (206) 342-6425	Chanda.mak@atg.wa.gov Corey.dahl@atg.wa.gov Roman.doyonnas@atg.wa.gov Brice.hartman@atg.wa.gov

PARTY	REPRESENTATIVE	PHONE	E-MAIL
AWEC	Sommer Moser Tyler Pepple Jesse O. Gorsuch Davison Van Cleve, P.C. 1750 S Harbor Way, Suite 450 Portland, OR 97201	(503) 241-7242 (503) 241-7242	sjm@dvclaw.com tep@dvclaw.com jog@dvclaw.com
	Lance Kaufman 4801 W. Yale Ave. Denver, CO 80219	(541) 515-0380	lance@westernecon.com
	Bradley Mullins MW Analytics Tietotie 2, Suite 208 Oulunsalo, Finland FI-90460		brmullins@mwanalytics.com
The Energy Project	Yochanan Zakai Shute, Mihaly & Weinberger LLP 396 Hayes St. San Francisco, CA 94102	(415) 552-7272	yzakai@smwlaw.com
	Sara Breckenridge		Breckenridge@smwlaw.com
Sierra Club	Rose Monahan Leah Bahramipour Sierra Club 2101 Webster St., Suite 1300 Oakland, CA 94612	(415) 977-5704 (415) 977-5649	Rose.monahan@sierraclub.org Leah.bahramipour@sierraclub.org
Walmart	Justina Caviglia Parsons Behle & Latimer 50 West Liberty St., Suite 750 Reno, Nevada 89501	(775) 323-1601	jcaviglia@parsonsbehle.com
NWECC	Irion Sanger Joni Sliger Sanger Law P.C. 4031 SE Hawthorne Blvd. Portland, OR 97214	(503) 756-7533 (971) 930-2813	irion@sanger-law.com joni@sanger-law.com
	Lauren McCloy Diego Rivas Charlee Thompson NW Energy Coalition 811 First Ave., Suite 305 Seattle, WA 98104		lauren@nwenergy.org diego@nwenergy.org charlee@nwenergy.org

APPENDIX B
PROCEDURAL SCHEDULE FOR DOCKETS UE-230172 and UE-210852

EVENT	DATE
Initial Filing	April 19, 2023
Prehearing Conference	May 17, 2023
Non-Company Party Settlement Conference	July 21, 2023
First Settlement Conference	August 9, 2023
Second Non-Company Party Settlement Conference	August 16, 2023
Second Settlement Conference	August 18, 2023
Staff, Public Counsel, and Intervenor Response Testimony and Exhibits ³	September 14, 2023
Company Circulates Joint Issues Matrix	October 4, 2023
Company Rebuttal Testimony and Exhibits; Staff, Public Counsel, and Intervenor Cross-Answering Testimony and Exhibits ⁴	October 27, 2023
Public Comment Hearing	TBD
Discovery Deadline – Last Day to Issue Data Requests	November 27, 2023
Company Files Joint Issue Matrix	December 4, 2023
Cross-Examination Exhibits, Witness Lists, Final Exhibit Lists, and Cross-Examination Time Estimates	December 4, 2023
Evidentiary Hearing	December 11-12, 2023
Post-Hearing Briefs and Updated Issues List	January 12, 2024
Suspension Date	March 19, 2024

³ Response times to data requests shortened to 7 business days.

⁴ Response times to data requests shortened to 5 business days.