

Attachment A

WAC 480-07-730 – NEW SECTION:

(5) Notice of Settlement Negotiations Required:

(a) Prior to engaging in settlement negotiations with a regulated company in an adjudicative proceeding, commission Staff must provide notification to other parties. Five calendar days before a settlement negotiation with a regulated company, the commission staff shall notify in writing, and by electronic mail, all parties on the master service list of the time and location of the proposed settlement negotiation. If a prehearing conference has not yet been held in the case, notice shall be sent to all persons who regularly appear before the commission in similar adjudicative proceedings. Staff shall maintain a copy of the notice and a record that it was provided.

(b) Any party given notice under this section may attend settlement negotiations. Additional notice of continuing settlement negotiations involving the same issue need only be provided to parties attending the initial settlement negotiation, or who have requested continuing notice.

(c) For purposes of this section 5, “settlement negotiations” means any discussion or other communication, in person or otherwise, between Commission Staff and a company regulated by the Commission whose purpose is to pursue resolution of one or more issues in an adjudicative proceeding. Settlement negotiations do not include requests for information or clarification in aid of discovery.

WAC 480-07-740 – AMENDMENT TO SECTION (2)(c):

(c) ***Rights of opponents of a proposed settlement.*** Parties opposed to the commission's adoption of a proposed settlement retain the following rights: The right to cross-examine witnesses supporting the proposal; the right to present evidence opposing the proposal; the right to present argument in opposition to the proposal; the right to conduct discovery, present evidence, have a hearing, cross-examine witnesses, and present arguments on all disputed material issues of fact and law. The commission's final order adopting, rejecting or conditioning a proposed settlement shall be based upon substantial evidence in the record and shall include findings and conclusions on all disputed issues of fact, law, or discretion presented on the record, and the right to present evidence or, in the commission's discretion, an offer of proof, in support of the opposing party's preferred result. The presiding officer may allow discovery on the proposed settlement in the presiding officer's discretion.