

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	DOCKETS UE-140762 and
TRANSPORTATION)	UE-140617 ¹ (<i>consolidated</i>)
COMMISSION,)	
)	
Complainant,)	ORDER 04
)	
v.)	
)	PREHEARING CONFERENCE
PACIFIC POWER & LIGHT)	ORDER; NOTICE OF HEARING
COMPANY,)	(Set for December 16, 2014)
)	
Respondent.)	
.....)	

1 **PROCEEDINGS:** On May 1, 2014, Pacific Power & Light Company (PacifiCorp or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff WN U-75. The stated effective date is May 31, 2014. The purpose of the filing is to increase rates and charges for electric service provided to customers in the state of Washington. The Company requests an electric rate increase of \$27.2 million, or 8.5 percent. In addition, the Company seeks amortization over one year of \$4.9 million, or 1.5 percent, related to deferrals for an outage at Unit 4 of the Colstrip generating plant, low hydro conditions, and depreciation. The Commission suspended operation of the as-filed tariffs by Order 01 entered in this docket on May 14, 2014.

2 On April 14, 2014, PacifiCorp filed with the Commission a new tariff - Schedule 90 entitled "Hydro Investment Adjustment." The purpose of this schedule is to recover costs associated with the Merwin Fish Collector project (Merwin Project). The proposed tariff would result in an overall increase of 0.5 percent, or \$.60 per month, to the average customer using 1,300 kilowatt-hours per month. As an alternative to

¹ Order 01 in Docket UE-140617 (Tariff filing) and Order 03 in Docket UE-140762 (General Rate Case), entered jointly in the referenced dockets on May 29, 2014, suspended the tariff filing and consolidated the two dockets. Docket UE-140762 is the "lead" docket for purposes of numbering subsequent orders in both proceedings and for maintenance of the Commission's records.

allowing the separate tariff rider to go into effect by operation of law, PacifiCorp included in its filing an accounting petition for authorization to defer the revenue requirement associated with the Merwin Project. In Order 01 in Docket UE-140617, the Commission suspended the tariff, authorized the deferral, and consolidated the matter for consideration in the context of the Company's pending General Rate Case (GRC) in Docket UE-140762.

3 **CONFERENCE/PRESIDING OFFICER.** The Commission convened a prehearing conference in Docket UE-140762 at Olympia, Washington on May 30, 2014, before Administrative Law Judge Dennis J. Moss, whom the Commission appoints as presiding officer in this proceeding.

4 **PARTY REPRESENTATIVES:** Katherine McDowell, McDowell, Rackner & Gibson PC, Portland, Oregon and Sarah K. Wallace, Assistant General Counsel, PacifiCorp, represent the Company. Simon J. ffitch, Assistant Attorney General, Seattle, Washington, represents the Public Counsel Section of the Washington Office of Attorney General (Public Counsel). Patrick J. Oshie and Brett P. Shearer, Assistant Attorneys General, Olympia, Washington, represent the Commission's regulatory staff (Commission Staff or Staff).²

5 Samuel L. Roberts, Hutchinson, Cox, Coons, Orr & Sherlock, P.C., Eugene, Oregon, represents Wal-Mart Stores, Inc. Brad Purdy, attorney at law, Boise, Idaho, represents the Energy Project. Joshua D. Weber, Davison Van Cleve, Portland, Oregon, represents Boise White Paper. Kathleen Kapla, attorney, Oakland, California, represents the Alliance for Solar Choice.

6 **PETITIONS FOR INTERVENTION.** Wal-Mart Stores, Inc., filed its petition to intervene on May 28, 2014. The Energy Project and Boise White Paper filed their respective petitions to intervene on May 30, 2014. The Alliance for Solar Choice orally petitioned to intervene during the prehearing conference.

7 There is no opposition to the petitions to intervene. Each petitioner demonstrates substantial interest in this proceeding and that their participation will be in the public

² 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.

interest. The Commission grants the petitions to intervene by Wal-Mart Stores, Inc., the Energy Project, Boise White Paper, and the Alliance for Solar Choice.

8 **MOTION FOR PROTECTIVE ORDER.** Concurrent with its tariff filing, PacifiCorp filed its Motion for Protective Order. It appears 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 as Order 02 on May 14, 2014, 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 rebuttal testimony, the time for responses to data requests will be five (5) business days. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution.

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

12 **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 December 10, 2014. The Commission requires 6 copies of the fully unredacted version of these 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 December 11, 2014, followed by filing by 3:00 p.m. on December 12, 2014.

13 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.

- 14 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 should be marked for numbering using the witnesses' initials but no numbers should be assigned; the Commission will assign numbers to the exhibits prior to hearing. Cross-examination exhibits not conforming to these requirements may be rejected. Each party's cross-examination exhibit list must be filed with the Commission (6 copies) and served on all parties by 2:00 p.m. on December 10, 2014.
- 15 **NOTICE OF HEARING.** The Commission will hold evidentiary hearings in this matter beginning **December 16, 2014, 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.
- 16 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file the original plus **18** 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.
- 17 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.
- 18 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.

- 19 **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 **18** 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.
- 20 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.
- 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 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.
- 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 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 June 10, 2014.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS
Administrative Law Judge

APPENDIX A: Procedural Schedule

EVENT	DATE
Company Direct Testimony and Exhibits	05/01/14
Prehearing Conference	05/30/14
Company-filed Issue Matrix	07/16/14
Public Notice Report	07/21/14
Staff circulates settlement offer	08/28/14
Settlement Conference (parties only)	09/05/14
Public Comment Hearing	TBD
Staff, Public Counsel and Intervenor Responsive Testimony and Exhibits	10/10/14
Staff/Public Counsel/Intervenors' Issues Matrix	10/17/14
Settlement Conference (parties only)	10/21/14
Company Rebuttal Testimony / Staff, PC & Intervenor Cross-Answering	11/14/14
Discovery Deadline – Last Day to issue Data Requests	12/01/14
Deadline for Cross-examination Exhibits	12/10/14
Company Files Final Joint Issues Matrix	12/11/14
Evidentiary Hearing begins	12/16/14
Post-hearing Briefs	01/22/15
Reply Briefs	02/03/15
Suspension Date	03/31/15

APPENDIX B - PARTIES' REPRESENTATIVES*
DOCKETS UE-140762 and UE-140617 (consolidated)

PARTY	REPRESENTATIVE	PHONE	FAX	EMAIL
PacifiCorp	Sarah K. Wallace Senior Counsel Pacific Power & Light Company 825 NE Multnomah Suite 1800 Portland, OR 97232	503-813-5865		Sarah.wallace@pacificcorp.com
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Commission Staff	Patrick J. Oshie Brett P. Shearer Assistant Attorneys General 1400 S. Evergreen Park Dr. SW P.O. Box 40128 Olympia, WA 98504-0128	360-664-1188 360-664-1187	360-586-5522	poshie@utc.wa.gov bshearer@utc.wa.gov
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Boise White Paper LLC	Boise White Paper L.L.C 1111 West Jefferson Street P.O. Box 50 Boise, ID 83728			
	Joshua D. Weber Davison Van Cleve, P.C. 333 S.W. Taylor, Suite 400 Portland, OR 97204	503-241-7242	503-241-8160	jdw@dvclaw.com mjd@dvclaw.com

PARTY	REPRESENTATIVE	PHONE	FAX	EMAIL
Energy Project	The Energy Project Opportunity Council 3406 Redwood Ave. Bellingham, WA 98225			
	Brad M. Purdy Attorney at Law 2019 N. 17 th St. Boise, ID 83702	208-384-1299 (Land) 208-484-9980 (Cell)	208-384-8511	bmpurdy@hotmail.com
Wal-Mart Stores, Inc.	Wal-Mart Stores, Inc. 2001 SE 10 th Street Bentonville, AR 72716			
	Samuel L. Roberts Hutchinson, Cox, Coons, Orr & Sherlock, P.C. P.O. Box 10886 Eugene, OR 97440	541-686-9160	541-343-8693	sroberts@eugenelaw.com
The Alliance for Solar Choice	Kathleen D. Kapla Keyes, Fox & Wiedman, LLP 436 14 th Street, Suite 1305 Oakland, CA 94612	510-314-8220		kkapla@kfwlaw.com jwiedman@kfwlaw.com

* Please note that this is not the official service list maintained by the Commission's Records Center. This list of party representatives includes persons in addition to those on the official service list to facilitate electronic service of documents and other communications among parties.