

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

AVISTA CORPORATION, D/B/A
AVISTA UTILITIES

Respondent.

DOCKET NO.UE-100467
DOCKET NO. UG-100468
(consolidated)

PUBLIC COUNSEL MOTION
REQUESTING OFFICIAL NOTICE OF
PORTION OF RECORD OF PRIOR
PROCEEDING

I. MOTION

1. Pursuant to WAC 480- 07-495 and 480-07-375(1)(d), Public Counsel respectfully moves the Commission for an order taking official notice of certain exhibits and other items from the record in Avista's immediately preceding general rate case.¹ The subject material, relating to issues regarding the Lancaster Generating Facility and power purchase agreement (PPA), is listed in the Attachment A to this motion.²
2. Public Counsel has provided a copy of this motion to Avista, Commission Staff, and ICNU and is authorized to report that Avista, Commission Staff, and ICNU have no objection to the motion.

¹ *WUTC v. Avista Corporation*, UE-090134, UG-090135 & UG-060158 (Avista 2009 GRC).

² This matter was initially raised at the Prehearing Conference in this matter. The motion seeks to be consistent with the guidance provided by the Bench and statements of the parties at that time. TR. 11:1--20:21.

II. MEMORANDUM

3. In the *Avista 2009 GRC* the Commission considered contested issues regarding the Lancaster Generation Facility and related power purchase, transmission, and gas transportation contracts.³ The Commission left for determination in this proceeding several Lancaster issues, including: (1) prudence and recoverability of Lancaster costs and contracts; (2) affiliated interest issues; (3) greenhouse gas compliance issues under RCW 80.80; and (4) whether the Lancaster PPA assignment was barred by a prior settlement agreement.⁴ Attachment A to this motion consists of a list of exhibits admitted into the record in the *Avista 2009 GRC* and references to portions of the transcript where the foregoing Lancaster issues were addressed. The Lancaster issues were developed in significant depth in the prior docket by the parties and Commission. Allowing the attached items into the record will capture the results of that effort and avoid unnecessary duplication in this proceeding.
4. The items listed in Attachment A are appropriate for official notice under WAC 480-07-495 as they are part of the Commission's public record in the prior proceeding and have met the standards of admissibility under WAC 480-07-495(1) in that case. Taking official notice of the Lancaster materials in Attachment A will further the interests of efficiency and ensure completeness of the record for all parties, the bench and the Commission.
5. If the motion is granted, the subject material would be admitted as exhibits for the record in the instant case and would be available for use at and prior to the hearing in the same manner as other exhibits.

³ *Avista 2009 GRC*, Order 10, ¶¶ 175-234.

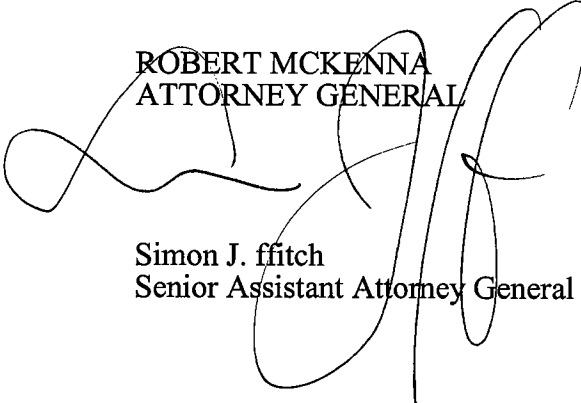
⁴ *Id.*, Order 10, ¶¶ 226-234; Order 11, ¶¶ 7-10.

6. Attachment A was provided to Avista, Commission Staff, and ICNU for their review together with a copy of the proposed motion. All have authorized Public Counsel to represent they have no objection to the motion.

7. For the foregoing reasons, Public Counsel respectfully requests that the motion be granted.

DATED this 28th day of May, 2010.

ROBERT MCKENNA
ATTORNEY GENERAL



Simon J. ffitch
Senior Assistant Attorney General