**BEFORE THE WASHINGTON**

**UTILITIES AND TRANSPORTATION COMMISSION**

|  |  |
| --- | --- |
| WASHINGTON STATE ATTORNEY GENERAL’S OFFICE AND THE INDUSTRIAL CUSTOMERS OF NORTHWEST UTILITIES, Joint Complainants, v.PACIFICORP, d/b/a PACIFIC POWER & LIGHT CORP. Respondents. | Docket No. UE-110070MOTION TO ESTABLISH DUE DATE TO RESPOND TO PACIFICORP’S MOTION TO DISMISS |
|  |  |
|  |  |

1. Pursuant to WAC 480-07-375(1)(b) and WAC 480-07-380(2)(c), the Industrial Customers of Northwest Utilities (“ICNU”) and the Public Counsel Section of the Washington State Attorney General’s Office (“Public Counsel”) hereby move for an order of Administrative Law Judge (“ALJ”) Moss establishing February 28, 2011, as the due date for ICNU and Public Counsel to file a Response to PacifiCorp’s Motion to Dismiss.
2. Because PacifiCorp has filed what is arguably a Motion for Summary Determination in the form of a Motion to Dismiss, there is ambiguity regarding the due date for the Response. Pursuant to WAC 480-07-380(2)(c), a Response to a Motion for Summary Determination must be filed within twenty days from service of the motion, unless a different date for filing is established by the Commission. ICNU and Public Counsel have conferred with PacifiCorp, and all parties agree that ICNU and Public Counsel may file their Response within twenty days from service of PacifiCorp’s Motion to Dismiss. Thus, the due date is February 28, 2011. ICNU and Public Counsel hereby request that the due date for the Response to PacifiCorp's Motion to Dismiss be established as February 28, 2011.
3. For the foregoing reasons, ICNU and Public Counsel respectfully request that ALJ Moss grant an order establishing February 28, 2011 as the due date for the Response to PacifiCorp’s Motion to Dismiss.

Respectfully submitted,

DATED this 11th day of February, 2011.

PUBLIC COUNSEL DAVISON VAN CLEVE, P.C.

*/s/ Sarah A. Shifley* */s/ Melinda J. Davison*

 Sarah A. Shifley Melinda J. Davison

 Assistant Attorney General 333 S.W. Taylor, Suite 400

 Public Counsel Section Portland, Oregon 97204

 800 Fifth Avenue, Suite 2000 (503) 241-7242 telephone

 Washington State Attorney (503) 241-8160 facsimile

 General's Office mjd@dvclaw.com

 Seattle, WA 98104 Of Attorneys for Industrial

 (206) 464-6595 Customers of Northwest Utilities

 sarah.shifley@atg.wa.gov