

**BEFORE THE WASHINGTON STATE UTILITIES AND TRANSPORTATION
COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

AVISTA CORPORATION d/b/a
AVISTA UTILITIES,

Respondent.

DOCKET NO. UE-080416

and

DOCKET NO. UG-080417
(consolidated)

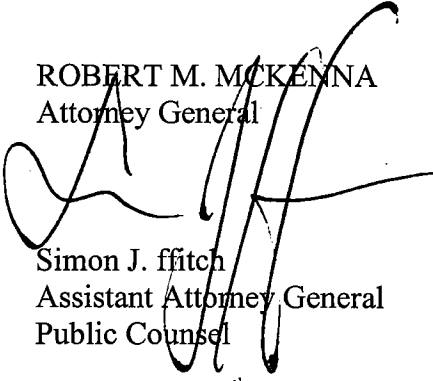
PUBLIC COUNSEL MOTION TO
ACCEPT LATE FILING

1. Pursuant to WAC 480-07-375(b) and 385, Public Counsel respectfully files this motion requesting the Commission to accept late filing of Public Counsel's Answer to Avista Motion for Leave To File Supplemental Testimony.
2. Public Counsel's Answer was due on Monday, August 4, 2008. The electronic copy of the motion, cover letter to David Danner, and certificate of service, attached to an email addressing the Record Center were sent on August 4 to all parties. The email addresses for the Record Center and the presiding Administrative Law Judge were inadvertently omitted from the email. As soon as the error was discovered, the electronic filing was sent to the Records Center and to the ALJ at 7:30 a.m. on Tuesday, August 5.

3. Hard copies of the filing were sent via Legal Messenger on Monday, August 4, to the Commission and were received on Tuesday, August 5, at 10:26 a.m. Hard copies were sent to the service list on Monday, August 4, via first class mail.
4. The result of the error was that filing was not accomplished in the manner required by Order 02, ¶¶ 14-16, and the Answer was one day late.
5. Public Counsel has contacted counsel for Avista, Commission Staff, Energy Project, ICNU, and NWIGU and all have stated they do not have any objection to this request. Public Counsel does not believe that there is prejudice to the Commission or any party, given that the delay was shorter than 24 hours, the hard copies were timely filed and served, and electronic service was timely. Public Counsel has shown good cause in that the recited facts show inadvertence, and a prompt effort to remedy the omission. Public Counsel respectfully requests that the Commission allow the late filing of Public Counsel's Answer.

Respectfully submitted and DATED this 5th day of August, 2008.

ROBERT M. MCKENNA
Attorney General



Simon J. Fitch
Assistant Attorney General
Public Counsel