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**VIA ELECTRONIC MAIL**

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February 22, 2008

Carol Washburn, Executive Secretary  
Washington Utilities and Transportation Commission  
P.O. Box 47250  
1300 S. Evergreen Park Drive S.W.  
Olympia, WA 98504-7250

Re: Docket A-072162 – Rulemaking to Consider Possible Corrections and Changes to Selected Rules in WAC 480-07, Relating to Procedural Rules

Dear Ms. Washburn:

On January 25, 2008, the Washington Utilities and Transportation Commission (Commission) issued a Notice of Opportunity to File Written Comments (Notice) on the proposed revisions to selected rules in WAC 480-07, relating to procedural rules. In addition, the Commission requests comments on the other suggested changes in Public Counsel’s January 8, 2008 comments.

**General Comments**

In regards to the proposed revisions to the selected rules in WAC 480-07 as part of this docket, Avista is supportive of the changes as proposed. The Company is also generally supportive of most of the proposed changes noted in Public Counsel’s January 8, 2008 comments. However, the Company does have issue with the changes to the following rules as proposed by Public Counsel:

1. WAC 480-07-110 – In Public Counsel’s comments, it was recommended “that the Commission adopt a heightened standard for exemptions from, and modification of, Commission rules.” Avista is not supportive of the proposed changes as the existing language within 480-07-110 is sufficient. The Commission should have wide latitude to determine what is in the public’s interest. Any attempts to further define the parameters would only serve to limit that broad discretion. If anything, the Commission should reiterate in this rule that its determination should be based on whether the requested exemptions are in “the public interest”. As for Public Counsel’s comments on 480-07-110(a), Avista has no objection to providing Public Counsel a copy of petitions filed with the Commission.

2. WAC 480-07-160 - In Public Counsel's comments, it was recommended that the "Commission should consider including language allowing imposition sanctions" for improper designations of confidentiality. The proposed change should be rejected. Existing procedures suffice. Indeed there is no evidence that this is a problem that warrants further attention at this time. Protective orders are routinely issued in adjudicative proceedings, and those orders clearly provide a path for designating information as confidential and for parties to contest such designation. In Avista's experience, the existing process has worked well, as evidenced by the fact that these matters have always been worked out through counsel with no need for motions to be filed with the Commission.

Avista appreciates the opportunity to present its views on these matters. Please direct any questions regarding these comments to the undersigned.

Sincerely,



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