

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of

PACIFIC POWER & LIGHT COMPANY,

Petition For a Rate Increase Based on a
Modified Commission Basis Report, Two-
Year Rate Plan, and Decoupling Mechanism

DOCKET UE-152253

COMMISSION STAFF'S RESPONSE
TO NW ENERGY COALITION'S
LATE-FILED PETITION TO
INTERVENE

1 Pursuant to WAC 480-07-355(2), Staff of the Washington Utilities and
Transportation Commission (Commission) submits this response to NW Energy Coalition's
Petition to Intervene (Petition), filed January 14, 2016.

2 Under the Commission's party intervention rule, WAC 480-07-355, a person who
wishes to intervene should file a written petition for leave to intervene at least three business
days before the prehearing conference date. The rule also allows a person to petition orally
for leave to intervene at the prehearing conference. In addition, the Commission may extend
the period for filing timely petitions to intervene. The Commission may grant the petition if
the petition discloses a substantial interest in the subject matter of the hearing or if the
petitioner's participation is in the public interest. WAC 480-07-355(3).

3 If a person petitions to intervene after the prehearing conference and in the absence
of an extension of the filing period for petitions to intervene, any such petition is considered
a "late-filed petition to intervene." "[T]he Commission will grant a late-filed petition to
intervene only on a showing of good cause, including a satisfactory explanation of why the
person did not timely file a petition." WAC 480-07-355(1)(b).

4 The Commission held a prehearing conference in this docket on December 22, 2015.

Because NW Energy Coalition (NVEC) filed its Petition January 14, 2016, more than three

weeks after the prehearing conference, the Petition is late-filed under the Commission's party intervention rule. The Petition does not indicate it is late-filed in the caption or in the body. The Petition contains no explanation as to why the Petition was not timely filed. Accordingly, NWECC has not provided the "satisfactory explanation" required by the party intervention rule and has failed to make the good cause showing required in order for the Commission to grant a late-filed petition for intervention.

5 The Commission denied a late-filed petition to intervene in the proceeding reviewing MidAmerican Energy Holding Company's purchase of Pacific Power on the grounds that the petitioner had failed to include a showing of good cause for its tardy filing. In the order denying the late-filed petition to intervene, the administrative law judge explained his decision as follows:

Staff is correct that IBEW has failed to make the required showing of good cause that might excuse its late filing. Our procedural rules are designed to ensure orderly proceedings and fairness. Parties who appear before the Commission must familiarize themselves with, and follow the requirements of these rules. IBEW has failed to do so in this instance. Accordingly, without reaching Staff's arguments that IBEW's stated interests in this proceeding do not establish a "substantial interest" within the meaning of WAC 480-07-355, and that IBEW has failed to show that its intervention would be in the public interest, we conclude that IBEW's Petition should be denied.¹

Because NWECC, like IBEW, did not include a showing of good cause for its tardy filing, the reasoning excerpted above likewise supports denying the late-filed Petition of NWECC.

6 The Petition also has not demonstrated that NWECC's intervention would be in the public interest. Commission Staff (Staff) does not believe that NWECC has "unique expertise and knowledge" of the issues as NWECC asserts in its Petition.² The issues in which NWECC

¹ *In Re Joint Application of MidAmerican Energy Holding Company and PacifiCorp, d/b/a Pacific Power & Light Company For an Order Authorizing Proposed Transaction*, Docket UE-051090, Order No. 04, ¶ 5 (Aug. 26, 2005).

² See Petition at ¶ 6.

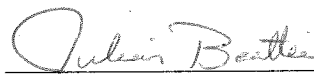
has expressed an interest³ will be addressed by existing parties. For example, low-income rate payer issues will likely be addressed by not only the Energy Project but also Public Counsel and Staff. The depreciation schedule of Jim Bridger will likely be addressed by all of the parties. Other interests in this proceeding that NWEAC expresses, such as the delay in the transition to clean fuel renewables and the promotion of energy efficiency measures, may be more appropriately addressed in other dockets and appear to already be within the purview of an existing party, the Sierra Club.⁴ Accordingly, Staff is concerned that NWEAC's participation may not assist the Commission in this proceeding and may merely burden the record.

7 For the foregoing reasons Staff objects to the intervention of NWEAC and respectfully requests that the Commission deny NWEAC's Petition.

DATED January 21, 2016.

Respectfully submitted,

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³ See *id.* at ¶ 6.

⁴ See Sierra Club Petition to Intervene, ¶ 7, filed December 4, 2015.