



Rob McKenna

ATTORNEY GENERAL OF WASHINGTON

800 Fifth Avenue #2000 • Seattle WA 98104-3188

September 21, 2011

VIA ELECTRONIC FILING & ABC LMI

Dave Danner
Executive Director and Secretary
Washington Utilities and Transportation Commission
P.O. Box 47250
1300 S. Evergreen Park Drive SW
Olympia, WA 98504-7250

**Re: WUTC v. Avista Corp., d/b/a Avista Utilities
Docket Nos. UE-110876 and UG-110877
Public Counsel's Opposition to the Proposed Customer Notice**

Dear Mr. Danner:

Public Counsel files this letter to express its objection to Avista's proposed customer notice and make our concerns a matter of record in this proceeding. Public Counsel previously discussed the draft notice with Avista and Commission Consumer Protection and Communications Staff in an effort to come to agreement on both form and content. During these discussions, Public Counsel shared its concerns and requested that the notice be amended accordingly. However, Avista was unwilling to make the amendments requested by Public Counsel.

WAC 480-90-194 and 480-100-194 provide the required content for general rate case customer notices.¹ An Administrative Law Judge decision in Docket No. UE-050814 provides additional guidance, including that a customer notices should "reflect matters clearly and accurately."²

Public Counsel is concerned that the proposed notice does not provide accurate information regarding this case. Specifically, Public Counsel objects to two aspects of the proposed notice:

- (1) The narrative description of the case does not accurately describe the Company's request and contains misleading and unnecessary subjective descriptions; and,

¹ WAC 480-90-194 and 480-100-194(4)(a)-(i). *See also* WAC 480-90-197 and 480-100-197 (pertaining to general rate cases in particular).

² *In the Matter of the Joint Application of Verizon Communications Inc. and MCI, Inc. For Approval of Agreement and Plan of Merger*, Docket No. UE-050814, Order Regarding Text and Publication of Notice (Order 06), ¶ 12.

ATTORNEY GENERAL OF WASHINGTON

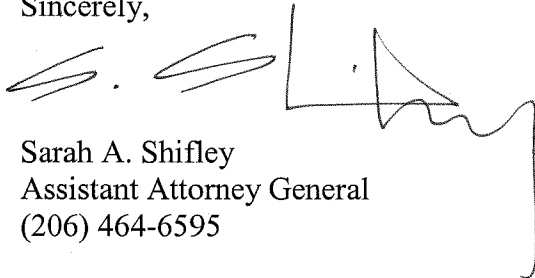
To: David Danner
Re: Avista GRC 2011, Dockets UE-110876 & UG-110877
Date: September 21, 2011
Page 2 of 2

- (2) The pie charts do not include “slices” showing Avista’s requested increase to return on equity, or other major components of the rate increases requests.³

In addition, Public Counsel is concerned that Avista seeks to use the notice *not* as a vehicle for providing customers clear, accurate, and objective information about this case, but as opportunity to garner favorable public opinion.

Public Counsel recognizes that the proposed notice in this case includes the minimum requirements provided in WAC 480-90-194 and 480-100-194. Nevertheless, Public Counsel believes that the notice fails to clearly and accurately present the facts of this case. For these reasons, Public Counsel objects to the proposed customer notice. Because these matters are not directly addressed in the Commission’s current rules, it may be appropriate at a future time to pursue a rulemaking regarding customer notice issues to provide clarification and guidance to the parties.

Sincerely,



Sarah A. Shifley
Assistant Attorney General
(206) 464-6595

cc: Service (E-mail and U.S. Mail)
Judge Marguerite Friedlander (E-mail)

³ For example, the electric pie chart does not include a “slice” showing the proposed \$4 million adjustment for lost margin (EELA).