

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

AVISTA CORPORATION, D/B/A  
AVISTA UTILITIES,

Respondent.

DOCKETS UE-240006 &  
UG-240007

ORDER 02

PREHEARING CONFERENCE  
ORDER; NOTICE OF HEARING

**(Evidentiary Hearing set for  
September 30 - October 1, 2024, at  
9 a.m.)**

**BACKGROUND**

- 1 **NATURE OF PROCEEDING.** On January 18, 2024, Avista Corporation d/b/a Avista Utilities (Avista or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions in docket UE-240006 to its electric service tariff, Tariff WN U-28, and in docket UG-240007 to its natural gas service tariff, Tariff WN U-29. The purpose of these filings is to increase rates and charges for electric and natural gas service provided to customers in the state of Washington.
- 2 In its filing, Avista proposes electric and natural gas rate increases based on a proposed rate of return of 7.61 percent (with 48.5 percent equity and a 10.40 percent return on equity). Avista also proposes a Two-Year Rate Plan, which would begin with new base rates effective in December 2024 (Rate Year 1) and December 2025 (Rate Year 2).
- 3 For Rate Year 1, Avista proposes an increase to electric base revenue of \$77.1 million, or 13.0 percent, and an overall increase to natural gas base revenue of \$17.3 million, or 13.6 percent. For Rate Year 2, Avista proposes an increase to electric base revenue of \$53.7 million, or 11.7 percent, and an overall increase to natural gas base revenue of \$4.6 million, or 3.2 percent.
- 4 On January 19, 2024, Avista filed a Motion for Partial Waiver of WAC-07-510, which requires the filing of paper copies within one business day of the electronic filing made

by a party in a proceeding.<sup>1</sup>

5 On January 31, 2024, the Commission entered Order 01 consolidating dockets UE-240006 and UG-240007, suspending the tariffs, and setting the matters for adjudication.

6 **CONFERENCE.** The Commission convened a prehearing conference virtually, on February 20, 2024, before Administrative Law Judges James E. Brown II and Paige Doyle.

7 **REPRESENTATIVES.** David Meyer represents Avista. Jeff Roberson, Josphine Straus, Nash Callaghan, and Lisa W. Gafken, Assistant Attorneys General, Lacey, Washington, represent Commission staff (Staff). Tad Robinson O’Neill, Assistant Attorney General, Seattle, Washington, represents the Public Counsel Unit of the Attorney General’s Office (Public Counsel). Sommer Moser of Davison Van Cleve, P.C., represents the Alliance of Western Energy Consumers (AWEC). Justina Caviglia of Parsons Behle & Latimer, represents Walmart, Inc. (Walmart). Gloria Smith represents Sierra Club. F. Diego Rivas represents NW Energy Coalition (NVEC). Yochanan Zakai of Shute, Mihaly & Weinberger represents The Energy Project (TEP). Contact information for the representatives of those granted party status is attached as Appendix B to this Order.

8 **PETITIONS FOR INTERVENTION.** AWEC, Walmart, Sierra Club, NW Energy Coalition, and TEP (Petitioners) timely filed petitions to intervene. No party objected to their petitions. No new parties appeared at the prehearing conference seeking to intervene. As no party objected to the Petitioners’ petitions to intervene, the presiding administrative law judge granted the petitions during the prehearing conference.

9 **PROTECTIVE ORDER.** In its Petition, submitted January 18, 2024, Avista requested a protective order. During the February 20, 2024, Prehearing Conference, the presiding administrative law judge granted that request. The Commission memorializes the granting of that request for a protective order and sets forth protective provisions in Order 03 of this docket.

10 **DISCOVERY.** Order 01 provides that discovery will be conducted under the Commission’s discovery rules, WAC 480-07-400 – 425. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters

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<sup>1</sup> Having reviewed the facts surrounding the Company’s Motion and as no party has objected to the motion, the Commission finds good cause to grant Avista’s Motion. Therefore, Avista’s Motion for Partial Waiver of WAC-07-510 is hereby granted.

forward for formal resolution. If the parties are unable to resolve discovery disputes, the presiding administrative law judge encourages the parties to either file appropriate motions or to contact them to arrange for a discovery conference. Response times to data requests will be adjusted as set forth in the Procedural Schedule, discussed below, and attached to this Order as Appendix A.

11 The Commission believes it will aid discovery in this case if all responses to data requests are shared with all parties. The parties agreed to this and the Commission now makes the exchange of data request responses among all parties a requirement for discovery in this case. Accordingly, the Commission requires the parties to share every data request response with all parties, subject to any confidentiality limitations contained in Commission rule or the Protective Order, Order 03, issued in this docket. Parties are also reminded that data requests will continue to be categorized by issue.

12 **PROCEDURAL SCHEDULE.** Prior to the Prehearing Conference, the parties agreed to a proposed procedural schedule that includes a September 30-October 1, 2024, evidentiary hearing. Staff, AWEC, Walmart, Sierra Club, NWECA, TEP, and Public Counsel support this proposal. The Procedural Schedule is attached to this Order as Appendix A.

13 **DOCUMENT FILING AND SERVICE REQUIREMENTS.** Parties must file and serve all pleadings, motions, briefs, and other prefiled materials in compliance with all of the following requirements:

(a) Parties must submit electronic copies of all documents by 5 p.m. on the filing deadline established in the Procedural Schedule (or other deadline as applicable) unless the Commission orders otherwise. Parties must comply with WAC 480-07-140(6) in formatting, organizing, and identifying electronic files. Documents that include information designated as confidential must comply with the requirements in WAC 480-07-160 and the Protective Order in these dockets.

(b) Parties must submit documents electronically through the Commission's web portal ([www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing)). If a party is unable to use the web portal to submit documents for filing, the Commission will accept a submission via email to [records@utc.wa.gov](mailto:records@utc.wa.gov) provided the email: (1) explains the reason the documents are not being submitted via the web portal, and (2) complies with the requirements in WAC 480-07-140(5)(b).

(c) If any of the exhibits contain information designated as confidential, parties must file an electronic copy of the redacted version in searchable PDF (Adobe Acrobat or comparable software) of each such exhibit.

- (d) The Commission is requiring **5 paper copies** of all submissions, including: testimony, exhibits, and briefs in this case.
- (e) Documents filed with the Commission must conform to the formatting and other requirements in WAC 480-07-395 and WAC 480-07-460. Further, filed documents designated as confidential must comply with the requirements in WAC 480-07-160 and the Protective Order in this docket.
- (f) Parties must electronically serve the other parties and provide courtesy electronic copies of filings to the presiding administrative law judge (james.brown@utc.wa.gov) by 5 p.m. on the filing deadline unless the Commission orders otherwise. Pursuant to WAC 480-07-365(2)(c), all electronic documents submitted to the Commission must also be delivered to all parties and the presiding administrative law judge “at the same time” that the documents are submitted to the Commission or shortly thereafter. Please note as well that failing to provide a courtesy copy to the presiding administrative law judge may result in a delayed ruling on a motion or other filing. If parties are unable to email copies, they may furnish electronic copies by delivering them on a flash drive only.

14 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and serve all proposed cross-examination exhibits by 5 p.m., September 16, 2024. The Commission requires electronic copies (in a machine readable .pdf). If any of the exhibits contain information that is designated as confidential or highly confidential, the party must also file one electronic copy (in a machine readable.pdf) and one paper copy of the redacted version of each such exhibit. The exhibits must be grouped according to the witness the party intends to cross-examine with the exhibits.

15 **EXHIBIT LISTS.** With each submission of prefiled testimony and exhibits, the submitting party must include a preliminary exhibit list that identifies each submitted exhibit in the format the Commission uses for the exhibit lists it prepares for evidentiary hearings. Avista will prepare and file its preliminary exhibit list for its initial filing in this docket. Each party must file and serve a final list of all exhibits the party intends to introduce into the evidentiary record, including all prefiled testimony and exhibits, as well as cross-examination exhibits by 5 p.m., September 16, 2024.

16 **CROSS-EXAMINATION TIME ESTIMATES.** Each party must provide a list of witnesses the party intends to cross-examine at the evidentiary hearing and an estimate of the time that party anticipates the cross-examination of each witness will take. Parties should not file witness lists or cross-examination time estimates but must

provide them to the presiding administrative law judges (james.brown@utc.wa.gov and paige.doyle@utc.wa.gov) and the other parties by 5 p.m., September 16, 2024.

- 17 **PUBLIC COMMENT HEARING.** During the Prehearing Conference, the parties agreed that a public comment hearing should be held in this matter. Given the profound effect on the public, because of the potential impact on customer rates, the Commission believes that it is in the public interest that a public comment hearing be held to receive comments from the public in this matter. Consequently, the Commission will hold a public comment hearing in this docket virtually, prior to the final disposition of this case. Avista customers will receive notice of the date, time, and access link to the public comment hearing, as well as other information required under WAC 480-90-197, at least 30 days prior to the date of the public comment hearing.
- 18 **NOTICE OF EVIDENTIARY HEARING.** The Commission will hold a hybrid evidentiary hearing in this docket on September 30 – October 1, 2024, beginning at 9 a.m. Parties may attend the hearing in person at the Commission’s headquarters or virtually via Zoom. To attend the hearing via Zoom, [click here](#) to join meeting, or call (253) 215-8782 and enter the Conference ID: 848 6869 5314# and use the Passcode: 060569#.
- 19 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. If the Parties reach a settlement in principle and request suspension of the procedural schedule, the Parties should promptly inform the Commission of this.
- 20 The Commission has limited ability to provide dispute resolution services. If you wish to explore those services, please contact Michael Howard, Director, Administrative Law Division (michael.howard@utc.wa.gov or (360) 664-1139).
- 21 **NOTICE TO PARTIES:** A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of this Order, in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this docket, subject to Commission review.

Dated at Lacey, Washington, and effective February 27, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

*/s/ James E. Brown II*  
JAMES E. BROWN II  
Administrative Law Judge

**APPENDIX A  
PROCEDURAL SCHEDULE  
DOCKETS UE-240006 &  
UG-240007**

EVENT	2024 GRC
Company Filing	January 18, 2024
Prehearing Conference	February 20, 2024
Initial Non-Company Party Settlement Conference <sup>2</sup>	May 16, 2024
Initial Settlement Conference <sup>3</sup>	May 28 - 29, 2024
Staff, Public Counsel, and Intervenor Response Testimony and Exhibits <sup>4</sup>	July 3, 2024
Avista Circulates Joint Issues Matrix	TBD
Non-Company Party Settlement Conference	July 15, 2024
Settlement Conference	Jul 22-23, 2024
Notice Issued for Public Comment Hearing	At least 30 days prior to Public Comment Hearing

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<sup>2</sup> Per WAC 480-07-700(5)(a), parties may reschedule a settlement conference included in the procedural schedule without seeking to modify the schedule if all parties agree, but the parties must provide notice to the presiding officer of the rescheduled date.

<sup>3</sup> Per WAC 480-07-700(5)(a), parties may reschedule a settlement conference included in the procedural schedule without seeking to modify the schedule if all parties agree, but the parties must provide notice to the presiding officer of the rescheduled date.

<sup>4</sup> Response time to data requests relating to this testimony, from July 3, 2024 onward, will be 7 business days. Prior to July 3, 2024, response time to data requests related to this testimony will be the customary 10 business days.

Public Comment Hearing	September 19, 2024
Avista Rebuttal Testimony and Exhibits; Staff, Public Counsel, and Intervenor Cross-Answering Testimony and Exhibits <sup>5</sup>	Aug 16, 2024
Discovery Deadline – Last Day to Issue Data Requests <sup>6</sup>	September 6, 2024
Avista Files Joint Issues Matrix	September 16, 2024
Exhibits List, Cross-Examination Exhibits, Witnesses List, Time Estimates, Exhibits Errata	September 16, 2024
Evidentiary Hearing	Sept. 30-Oct. 1, 2024
Post-Hearing Briefs and Updated Joint Issues Matrix	October 28, 2024
Compliance Filing	TBD
Suspension Date <sup>7</sup>	December 21, 2024

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<sup>5</sup> Response time to data requests will be 5 business days.

<sup>6</sup> Response time to data requests will be 5 business days.

<sup>7</sup> Based on a 10-month suspension from the stated effective date of February 21, on the as-filed tariff sheets, per RCW 80.04.130.



**APPENDIX A**  
**PARTIES' REPRESENTATIVES**  
**DOCKETS UE-240006 & UG-240007**

<b>PARTY</b>	<b>REPRESENTATIVE</b>	<b>PHONE</b>	<b>E-MAIL</b>
Avista	David Meyer, VP and Chief Counsel Avista Corporation dba Avista Utilities P.O. Box 3727 Spokane, WA 99220-3727 david.meyer@avistacorp.com	(509) 495-8620	<a href="mailto:david.meyer@avistacorp.com">david.meyer@avistacorp.com</a>
Commission Staff	Jeff Roberson Assistant Attorney General Office of the Attorney General Utilities and Transportation Division P.O. Box 40128 Olympia, WA 98504	(360) 664-1188	<a href="mailto:jeff.roberson@atg.wa.gov">jeff.roberson@atg.wa.gov</a>
	Josephine Strauss Assistant Attorney General	(360) 586-7777	<a href="mailto:josephine.strauss@atg.wa.gov">josephine.strauss@atg.wa.gov</a>
	Lisa Gafken Assistant Attorney General	(206) 714-3551	<a href="mailto:lisa.gafken@atg.wa.gov">lisa.gafken@atg.wa.gov</a>
	Nash Callaghan Assistant Attorney General	(360) 586-7777	<a href="mailto:nash.callaghan@atg.wa.gov">nash.callaghan@atg.wa.gov</a>
	Liam Weiland Assistant Attorney General	(360) 586-7777	<a href="mailto:liam.weiland@atg.wa.gov">liam.weiland@atg.wa.gov</a>
	Colin O'Brien Assistant Attorney General	(360) 586-6413	<a href="mailto:colin.obrien@atg.wa.gov">colin.obrien@atg.wa.gov</a>
Public Counsel	Tad Robinson O'Neill Assistant Attorney General Washington Attorney General's Office Public Counsel Unit 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188	(206) 464-6595	<a href="mailto:tad.oneill@atg.wa.gov">tad.oneill@atg.wa.gov</a>
AWEC	Tyler C. Pepple Davison Van Cleve, P.C. 1750 SW Harbor Way, Suite 450 Portland, OR 97201	(503) 241-7242	<a href="mailto:tcp@dvclaw.com">tcp@dvclaw.com</a>
	Sommer Moser Davison Van Cleve, P.C. 1750 SW Harbor Way, Suite 450 Portland, OR 97201	(503) 241-7242	<a href="mailto:sjm@dvclaw.com">sjm@dvclaw.com</a>
The Energy Project	Yochi Zakai Shute, Mihaly & Weinberger	(415) 552-7272	<a href="mailto:yzakai@smwlaw.com">yzakai@smwlaw.com</a>

PARTY	REPRESENTATIVE	PHONE	E-MAIL
NW Energy Coalition	F. Diego Rivas 1101 8th Ave Helena, MT 59601	(406) 461-6632	<a href="mailto:diego@nwenergy.org">diego@nwenergy.org</a>
Sierra Club	Gloria Smith	(415) 977-5532	<a href="mailto:gloria.smith@sierraclub.org">gloria.smith@sierraclub.org</a>
Walmart, Inc.	Justina A. Caviglia, Esq.	(775) 323-1601	<a href="mailto:jcaviglia@parsonsbehle.com">jcaviglia@parsonsbehle.com</a>