

**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

PACIFIC POWER & LIGHT
COMPANY'S REPLY TO STAFF'S
OPPOSITION TO NVEC'S LATE-
FILED PETITION TO INTERVENE

I. INTRODUCTION

1 In accordance with the Washington Utilities and Transportation Commission's (Commission) Notice of Opportunity to Reply to Staff's Opposition to the NW Energy Coalition's (NVEC) Late-Filed Petition to Intervene, Pacific Power & Light Company (Pacific Power or Company), a division of PacifiCorp, files this reply. The Company supports NVEC's Petition to Intervene (Petition) in this case for the limited purpose of addressing energy efficiency and decoupling issues. NVEC brings expertise to these issues that is not otherwise provided by the parties, and NVEC's participation will result in a "full record with the best available evidence."¹

II. ARGUMENT

A. NVEC's Intervention Should be Allowed But Limited to Energy Efficiency and Decoupling Issues.

2 The Commission may grant a petition to intervene if the petitioner demonstrates that it has either a substantial interest in the case or that its intervention is in the public interest.² When granting intervention, the Commission is authorized to limit the scope of a party's participation to designated issues in which the intervenor has a particular

¹ *WUTC v. PSE*, Docket UE-072300, Order 08 ¶10 (May 5, 2008) (fully developed record is the Commission's "paramount interest").

² WAC 480-07-355(3).

interest.³ Here, NWECC has a particular interest and expertise in energy efficiency and decoupling mechanisms.⁴ NWECC worked closely with Puget Sound Energy (PSE) to design the decoupling mechanism that the Commission recently approved, which is a model for Company's proposal here.⁵ Allowing NWECC to address this issue will provide unique expertise that will not be adequately provided by other parties.

3 Staff opposes NWECC's Petition, in part, because the "issues in which NWECC has expressed an interest will be addressed by existing parties."⁶ Staff claims that the promotion of energy efficiency issues "appear[s] to be within the purview of an existing party, Sierra Club."⁷ But Sierra Club's petition to intervene indicates that it intends to address only the capital expenditures at Jim Bridger and proposed changes to the depreciation schedules for Jim Bridger.⁸ Moreover, at the prehearing conference in this case, Staff requested and Sierra Club agreed that its participation would be strictly limited to only those two issues related to Jim Bridger.⁹ Contrary to Staff's claims, Sierra Club will not adequately represent NWECC's interests on energy efficiency and decoupling nor will Sierra Club provide the same expertise as NWECC.

4 While the Company supports NWECC's Petition, NWECC's participation should be limited to energy efficiency and decoupling issues. The Company agrees with Staff that the remainder of the issues identified by NWECC in its Petition will be adequately and thoroughly addressed by others.¹⁰ Thus, as with Sierra Club's participation, it is

³ RCW 34.05.443(2)(a); WAC 480-07-355(3).

⁴ Petition ¶¶ 3-6.

⁵ See e.g. *WUTC v. PSE*, Docket UE-121697 *et al.*, Order 07 ¶ 89 (June 25, 2013) (describing that PSE and NWECC jointly developed and proposed a decoupling mechanism).

⁶ Commission Staff's Response to NWECC's Late Filed Petition to Intervene ¶ 6.

⁷ Commission Staff's Response to NWECC's Late Filed Petition to Intervene ¶ 6.

⁸ Sierra Club Petition to Intervene ¶ 6.

⁹ Tr. 7:15-8:7.

¹⁰ See Commission Staff's Response to NWECC's Late Filed Petition to Intervene ¶ 6.

reasonable for the Commission to limit NWECE's intervention in this case to the energy efficiency and decoupling issues for which they provide particular expertise.

B. The Commission should Accept NWECE's to Revised Late-Filed Petition to Intervene.

5 Staff also opposes NWECE's Petition because it fails to provide a "satisfactory explanation of why [NWECE] did not timely file a petition," as required by the Commission's rules.¹¹ NWECE filed a revised Late-Filed Petition to Intervene on January 27, 2016. NWECE's failure to satisfy the procedural requirement in its first filing should not bar NWECE's participation in this case. Rather, the Commission should accept NWECE's revised Late-Filed Petition to Intervene, limited to energy efficiency and decoupling issues, as conforming to the requirements of the rule.¹²

III. CONCLUSION

6 The Commission should grant NWECE's Petition, but reasonably limit its participation to the issues that will not be adequately addressed by other parties—energy efficiency and decoupling. Such a limitation ensures that the record is fully developed, but not overly burdened by duplicative evidence.

¹¹ WAC 480-07-355(1)(b); Commission Staff's Response to NWECE's Late Filed Petition to Intervene ¶ 4.

¹² *WUTC v. PSE*, Dockets UE-090704 and UG-090705, Order 05 ¶ 4 (July 30, 2009) (granting intervention when explanation for late filing provided in response to Staff's opposition to intervention).

Respectfully submitted this 29th day of January, 2016.



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