

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND	)	DOCKETS UE-080416
TRANSPORTATION COMMISSION,	)	and UG-080417
	)	<i>(consolidated)</i>
Complainant,)	
)	
v.	)	ORDER 05
)	
AVISTA CORPORATION d/b/a	)	ORDER GRANTING JOINT
AVISTA UTILITIES,	)	MOTION TO WAIVE FILING
	)	DEADLINE AND SCHEDULING
Respondent.	)	PREHEARING CONFERENCE
	)	(Set for September 26, 2008, at
	)	10:00 a.m.
.....)	

- 1 **NATURE OF PROCEEDINGS.** On March 4, 2008, Avista Corporation d/b/a Avista Utilities (Avista) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff WN U-28, Electric Service in Docket UE-080416, and revisions to its currently effective Tariff WN U-29, Gas Service in Docket UG-080417. The Commission suspended the filings on March 6, 2008, consolidated the two dockets, and set the dockets for hearing.

- 2 By Order 02, Prehearing Conference Order, entered April 3, 2008, the Commission, among other things, established a procedural schedule in these matters. According to that procedural schedule, the Commission’s regulatory staff (Commission Staff or Staff)¹, and intervenors are required to submit prefiled responsive testimony and exhibits on September 19, 2008.

¹ In formal proceedings, such as this, the Commission’s regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as other parties to the proceeding. There is an “*ex parte* wall” separating the Commissioners, the presiding Administrative Law Judge, and the Commissioners’ policy and accounting advisors from all parties, including regulatory staff. *RCW 34.05.455*.

3 **MULTI-PARTY SETTLEMENT STIPULATION.** On September 16, 2008, Avista, Commission Staff, Northwest Industrial Gas Users (NWIGU), and The Energy Project filed a Multi-party Settlement Stipulation (Settlement). The Settlement is a full resolution of all issues in these proceeding between the signatory parties. The Industrial Customers of Northwest Utilities (ICNU) joined in portions, but not all, of the Settlement's terms and conditions. The Public Counsel Section of the Washington Office of Attorney General (Public Counsel) did not join in the Settlement.

4 **JOINT MOTION TO WAIVE FILING DEADLINE.** On September 16, 2008, the Commission Staff, NWIGU, and The Energy Project, filed a joint motion to waive the September 19, 2008, filing deadline for the settling parties. Staff indicated that the other parties to these proceedings had been contacted and that Staff had not received any objection from ICNU or Public Counsel.

5 The parties stated good cause to waive the deadline for filing responsive testimony. Neither the other parties to these proceedings nor the Commission should be prejudiced by granting this motion. The deadline for filing responsive testimony is waived only for the signatories to the Settlement and no other deadline is affected by granting this motion.

6 **NOTICE OF PREHEARING CONFERENCE.** According to WAC 480-07-740(2), when filing a proposed settlement agreement, parties must also file supporting documentation sufficient to demonstrate that the proposal is consistent with law and the public interest and that it is appropriate for adoption. Supporting documentation should include a narrative outlining the scope of the underlying dispute, the scope of the settlement, a statement of the parties' view about why the proposal satisfies their interests and the public interest, and a summary of the legal points that bear on the settlement. WAC 480-07-740(2)(a). In addition, each party to a settlement must offer to present one or more witnesses to testify in support of the proposal. WAC 480-07-740(2)(b).

7 The Settlement filed in this proceeding does not include the supporting documentation required by Commission rule. Accordingly, the Commission will convene a prehearing conference in this matter on **September 26, 2008, at 10:00 a.m.**, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building,

1300 S. Evergreen Park Drive S.W., Olympia, Washington, to establish a deadline for the signatories to the Settlement to file the documentation required by WAC 480-07-740(2)(a) and (b) and to determine if the procedural schedule established by Order 02 entered in these proceedings should be modified. The Commission will also consider any other procedural matters that will aid in the efficient and expeditious resolution of the issues in these proceedings.

Dated at Olympia, Washington, and effective September 17, 2008.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

PATRICIA CLARK
Administrative Law Judge