

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PACIFICORP d/b/a PACIFIC POWER
& LIGHT COMPANY,

Respondent.

DOCKET UE-210402

ORDER 05

GRANTING STAFF'S MOTION TO
REINSTATE AND MODIFY
PROCEDURAL SCHEDULE, IN
PART; DENYING MOTION IN PART

BACKGROUND

- 1 On June 1, 2021, PacifiCorp d/b/a Pacific Power & Light Company (PacifiCorp or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective tariff WN U-76. PacifiCorp characterizes its filing as a Power Cost Only Rate Case (PCORC).
- 2 On June 25, 2021, the Commission entered Order 03, which established a procedural schedule for the case and set this matter for hearing beginning December 3, 2021.
- 3 On September 23, 2021, Commission staff (Staff) and PacifiCorp filed a joint motion to modify procedural schedule. The parties submitted a proposed, modified procedural schedule and requested that the hearing be continued to either January 14, 2022, or January 19, 2022. The parties requested that the Commission issue its final order in this case on or before April 8, 2022.
- 4 On September 24, 2021, the Commission issued a Notice Amending Procedural Schedule that modified the procedural schedule as requested in the parties' joint motion and reset the hearing in this matter for Friday, January 14, 2022, at 9:30 a.m.
- 5 On October 8, 2021, counsel for Staff contacted the presiding officer on behalf of the parties to inform the Commission that the parties (Settling Parties), with the exception of the Public Counsel Unit of the Attorney General's Office (Public Counsel) have reached a full multiparty settlement in principle and intend to file a settlement agreement and testimony in support thereof by October 28, 2021.

6 On October 11, 2021, the Commission issued a Notice Suspending Procedural Schedule and Requiring Filing of Settlement Documents, requiring the filing of settlement documents and supporting testimony by October 28, 2021. The Commission maintained the public comment hearing and the evidentiary hearing date set for January 14, 2022.

7 On October 21, 2021, counsel for Staff contacted the presiding officer on behalf of the parties to inform the Commission that the Alliance of Western Energy Consumers (AWEC) had withdrawn from the settlement and intended to oppose it.

8 On October 27, 2021, Staff filed a Motion to Reinstate and Modify Procedural Schedule (Motion). Staff proposes to maintain the January 14, 2022, hearing date and to reinstate and modify the procedural schedule in light of AWEC's opposition to the settlement. Staff's proposed dates are set forth in Appendix A to this Notice. Staff indicates that all parties to the proceeding support its Motion.

DISCUSSION

9 Based on the parties' agreement, the Commission finds good cause to amend the procedural schedule and grant's Staff's Motion in part. The Commission adopts Staff's proposed procedural schedule as set forth in Appendix A to this Notice, with the exception of the deadline for rebuttal testimony.

10 The Commission instead sets the deadline for rebuttal testimony for Monday, December 13, 2021. The Commission observes that the Settling Parties should be making their case in support of the settlement agreement in direct testimony rather than rebuttal testimony. Any rebuttal testimony should be focused on the points of disagreement raised by AWEC or Public Counsel. Under Staff's proposed schedule, the timeline for preparing rebuttal testimony is longer than the timeline for preparing AWEC's response testimony. It is reasonable to shorten this period by four days. This is consistent with the expectations for the scope of rebuttal testimony. It will also ensure the Commission has adequate time to prepare for the hearing on January 14, 2021.

ORDER

THE COMMISSION ORDERS:

11 (1) Commission Staff's Motion is granted in part and denied in part.

- 12 (2) Commission Staff's proposed, modified procedural schedule is adopted as Appendix A to this Notice with the exception of the deadline for rebuttal testimony, which is due on Monday, December 13, 2021, by 5 p.m.

DATED at Lacey, Washington, and effective November 2, 2021.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Michael S. Howard
MICHAEL HOWARD
Administrative Law Judge

NOTICE TO PARTIES: This is an Interlocutory Order of the Commission. Administrative review may be available through a petition for review, filed within 10 days of the service of this Order pursuant to WAC 480-07-810.

**APPENDIX A
PROCEDURAL SCHEDULE
DOCKET UE-210402**

EVENT	DATE
Tariff Filing	June 1, 2021
Tariffs suspended and discovery commenced	June 16, 2021
Prehearing Conference	June 24, 2021
Workshop (parties only)	July 20, 2021
Settlement Conference (parties only)	September 1, 2021
Supplemental Testimony	September 3, 2021
Multi-Party Settlement and Supporting Testimony	November 5, 2021
Notices Issued for Public Comment Hearings	30 days prior to Public Comment Hearings
Public Comment Hearing	November 18, 2021, at 6:00 p.m.
Opposition Testimony to Multi-party Settlement	November 22, 2021
Rebuttal Testimony	December 13, 2021
Discovery Cutoff	January 5, 2022
File Cross Examination Exhibits, Witness Lists, and Errata sheets, and email Cross-Examination Time Estimates to the presiding ALJ	January 7, 2022
Hearing	January 14, 2022, at 9:30 a.m.
Simultaneous Post-hearing Briefs	February 11, 2022
Simultaneous Reply Briefs	February 25, 2022

Requested Final Order Date	On or before April 8, 2022¹
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¹ Staff's Motion filed on October 27, 2021, does not directly address the parties requested final order due date. The parties requested a final order due date of April 8, 2022, in an earlier Joint Motion filed on September 23, 2021. The Commission notes that it will make its best efforts to meet this request due date but again observes that it is not a binding requirement.