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1 BEFORE THE WASHINGTON UTILITIES AND
2 TRANSPORTATION COMMISSION
3 WASHINGTON UTILITIES AND)
TRANSPORTATION COMMISSION,) Docket No. UG-031361
4)
 Petitioner,) Volume I
5) Pages 1 to 7
 vs.)
6)
AVISTA CORPORATION d/b/a)
7 AVISTA UTILITIES,)
)
8) Respondent.
)
9 _____)

10 A pre-hearing conference in the above matter
11 was held on March 17, 2004, from 1:35 p.m to 1:45 p.m.,
12 at 1300 South Evergreen Park Drive Southwest, Room 108,
13 Olympia, Washington, before Administrative Law Judge C.
14 ROBERT WALLIS.

15 The parties were present as follows:

16 THE COMMISSION, by DONALD T. TROTTER, Senior
Assistant Attorney General, 1400 South Evergreen Park
17 Drive Southwest, Olympia, Washington 98504-0128,
Telephone (360) 664-1189, Fax (360) 586-5522, E-mail
18 dtrotter@wutc.wa.gov.

19 AVISTA CORPORATION, by DAVID J. MEYER,
General Counsel, East 1411 Mission Avenue, Spokane,
20 Washington, 99220, Telephone (509) 495-4316, Fax (509)
495-4361, E-mail dmeyer@avistacorp.com.

21 THE PUBLIC, by ROBERT W. CROMWELL, JR.,
Assistant Attorney General, 900 Fourth Avenue, Suite
22 2000, Seattle, Washington, 98164-1012, Telephone (206)
23 464-6595, Fax (206) 389-2058, E-Mail
robertcl@atg.wa.gov.

24 Joan E. Kinn, CCR, RPR
25 Court Reporter

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1 P R O C E E D I N G S

2 JUDGE WALLIS: This is a pre-hearing
3 conference in the matter of Commission Docket Number
4 UG-031361, which involves Avista Utilities. This
5 conference is being held in Olympia, Washington before
6 Administrative Law Judge C. Robert Wallis on March 17th,
7 the year 2004.

8 By way of process issues, let's begin with
9 appearances. And when you state your appearance, would
10 you please give us the contact information so that we're
11 sure we have that in the record, beginning with
12 Mr. Meyer.

13 MR. MEYER: Certainly. On behalf of Avista,
14 David Meyer, the address is East 1411 Mission Avenue,
15 Spokane, Washington 99220, phone number (509) 495-4316,
16 fax number (509) 495-4361, and the E-mail designation is
17 dmeyer@avistacorp.com. Thank you.

18 JUDGE WALLIS: Commission Staff.

19 MR. TROTTER: Thank you. For the Commission,
20 my name is Donald T. Trotter, Assistant Attorney
21 General. My address is 1400 South Evergreen Park Drive
22 Southwest, P.O. Box 40128, Olympia, Washington
23 98504-0128, my phone is (360) 664-1189, fax is (360)
24 586-5522, and my E-mail is dtrotter@wutc.wa.gov.

25 JUDGE WALLIS: Public Counsel.

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1 MR. CROMWELL: Thank you. Robert W. Cromwell
2 Junior, Assistant Attorney General on behalf of Public
3 Counsel. My address is 900 Fourth Avenue, Suite 2000,
4 Seattle, Washington 98164-1012, my direct line is (206)
5 464-6595, my fax number is (206) 389-2058, my E-mail
6 address is robertc1@atg.wa.gov.

7 JUDGE WALLIS: Thank you very much.

8 In a brief discussion prior to going on the
9 record, we have been informed that Commission Staff is
10 reviewing the docket in light of events that have
11 occurred since the suspension. Mr. Trotter, would you
12 like to make a statement of the Staff's situation for
13 the record, please.

14 MR. TROTTER: Yes, Your Honor. In its memo
15 to the Commission at the open public meeting in which
16 this docket was suspended, Staff raised an issue
17 regarding the PGA, the purchased gas cost adjustment
18 clause tariff. Since that time and specifically very
19 recently Staff is looking to see whether the impact of
20 that issue or adjustment is offset by other factors that
21 occurred during the period at issue, and it has recently
22 discovered that it is likely that this issue has been
23 offset and that the reason for seeking suspension and
24 moving this docket to hearing no longer exists. Staff
25 will make its analysis complete in the next day or two,

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1 and we're committed to filing, if it's resolved the way
2 it's looking like it may be resolved, we commit to
3 filing a motion to dismiss the docket by next Wednesday,
4 a week from today. And obviously if the analysis goes
5 the other way, we will inform the parties and ask that
6 the case proceed.

7 JUDGE WALLIS: Very well.

8 Responses, Mr. Cromwell.

9 MR. CROMWELL: Thank you, Your Honor, we will
10 wait until we see the results of Staff's analysis how to
11 respond ourselves. We will wait to see the results of
12 Staff's analysis before having a response.

13 JUDGE WALLIS: Thank you.

14 Mr. Meyer.

15 MR. MEYER: No, I think Mr. Trotter has
16 captured it.

17 JUDGE WALLIS: Very well.

18 It appears that if we proceed with scheduling
19 and taking up other matters at this point that that
20 could be wasted time and energy that the parties might
21 better devote to pursuing the answer to the questions
22 that have just been posed. So my suggestion would be
23 that we conclude this conference and continue it to a
24 time certain in the future.

25 Given the nature of the proposal, would it be

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1 possible for the parties to have a response to the
2 Commission no later than next Thursday mid afternoon?

3 MR. MEYER: That's acceptable to Avista.

4 MR. CROMWELL: I'm sorry, Your Honor, we
5 would see Staff's analysis?

6 MR. TROTTER: No later than noon next
7 Wednesday and perhaps much earlier. It's just next
8 Monday and Tuesday are some time conflicts, but
9 certainly no later than noon Wednesday and perhaps
10 before.

11 MR. CROMWELL: I think that will be
12 acceptable.

13 JUDGE WALLIS: Very well. I would suggest a
14 deadline of 3:00 p.m. for responses to the motion,
15 whether merely a statement of non-opposition or a
16 statement of support or a statement in opposition. If
17 there is no opposition, then it would be my intention to
18 cancel the conference and have the matter decided on the
19 procedural request and put to the commissioners for
20 their decision based on the pleadings. Is that
21 acceptable to the parties?

22 MR. TROTTER: It is to Staff, Your Honor.

23 MR. MEYER: Yes. The 3:00 p.m. Thursday
24 deadline, would you entertain an E-mail?

25 JUDGE WALLIS: Oh, definitely, yes.

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1 MR. MEYER: Okay, with a hard copy to follow?

2 JUDGE WALLIS: Yes.

3 MR. MEYER: Okay.

4 JUDGE WALLIS: And send it to the records
5 center with a copy to me, please.

6 MR. MEYER: Okay.

7 MR. TROTTER: And you're contemplating not a
8 detailed response, but just a statement of opposition,
9 support, or non-opposition?

10 JUDGE WALLIS: Yes.

11 MR. CROMWELL: Yes.

12 JUDGE WALLIS: All right. So unless we
13 cancel, we will reconvene at a room to be determined in
14 the Commission offices at 1:30 p.m. on next Friday,
15 March 26th. And I did indicate informally, and I will
16 repeat that, that persons who are coming from out of
17 town may call in to that unless I learn that our bridge
18 line is unavailable. And if that's the case, then I
19 will advise the parties.

20 Is there anything else to come before the
21 Commission at this time?

22 MR. TROTTER: Just as a formality, Your
23 Honor, if you could call for any other parties that wish
24 to intervene in the case. I think that was implicit, if
25 you could make a formal request on the record so we

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1 won't be surprised later.

2 JUDGE WALLIS: Very well.

3 Let me ask if there is anyone in this room
4 who desires to enter an appearance and represent a party
5 in this docket?

6 Let the record show that there is no
7 response.

8 Let me ask if there is anyone on the bridge
9 line who desires to participate in this docket
10 representing a party?

11 Again let the record show that there is no
12 response.

13 Very well, thank you all, this conference is
14 adjourned.

15 (Conference adjourned at 1:45 p.m.)

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