



Rob McKenna

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October 28, 2011

Via Email and Overnight Mail

David Danner
Executive Director & Secretary
Washington Utilities & Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

**Re: *WUTC v. Avista Corporation, d/b/a Avista Utilities*
Docket Nos. UE-110876 and UG-110877 (Consolidated)**

Dear Mr. Danner:

This letter is submitted in response to the proposed hearing schedule on decoupling filed today, October 28, 2011, by Northwest Energy Coalition (NVEC) in the above-captioned case.

Public Counsel had the opportunity to review the proposed schedule prior to its filing. During this review, Public Counsel requested two amendments that NVEC has not reflected in its proposed schedule. First, Public Counsel requested that the time allowed for discovery request responses be shortened to five (5) business days.¹ Second, Public Counsel requested that the schedule indicate that parties anticipated no cut-off for discovery.²

Public Counsel's requests are warranted given the substantially abbreviated schedule NVEC is proposing. Parties will need to receive responses to discovery requests quickly to adequately evaluate the issues presented, prepare testimony, respond to other parties' testimony, and present

¹ WAC480-07-405(7)(c) provides that responses to discovery requests are due ten (10) business days after the request is received.

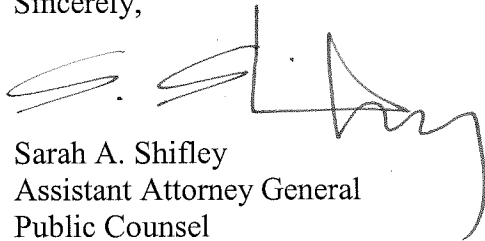
² In recent procedural schedules for adversarial proceedings, the Commission has included a date upon which discovery shall be suspended. *See e.g.*, Prehearing Conference Order (Order 04), Appendix B. The previously-established procedural schedule and discovery cut-off of February 21, 2012 was suspended on October 12, 2011. *See* Notice Suspending Procedural Schedule, Confirming Dates for Public Comment Hearings, and Scheduling Settlement Hearing.

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their positions at hearing. In addition, imposing a discovery cut-off deadline would inhibit parties' ability to obtain the information required put on their cases.

For the foregoing reasons, Public Counsel respectfully requests that the Commission include in whatever procedural schedule it ultimately adopts a shortened, five (5) day response time for all discovery requests and an indication that the schedule includes no discovery cut-off.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Shifley', written over a horizontal line.

Sarah A. Shifley
Assistant Attorney General
Public Counsel
(206) 464-6595

SAS:bc

cc: Service List (U.S. Mail & Email)
Judge Marguerite Friedlander (Email only)