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**STATE OF WASHINGTON  
THURSTON COUNTY SUPERIOR COURT**

THE WASHINGTON STATE  
ATTORNEY GENERAL'S OFFICE,  
PUBLIC COUNSEL UNIT,

Petitioner,

v.

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,  
a Washington state agency, and  
AVISTA CORPORATION,

Respondents.

NO. 16-2-01108-34

ORDER GRANTING PARTIES'  
MOTION TO REMAND TO  
WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION

**EX PARTE**

This matter having come before the Court on April 16, 2019; the Court having considered the Parties' Joint Motion to Remand Cause to Washington Utilities and Transportation Commission; and having considered the decision of the Washington State Court of Appeals in COA No. 48982-1-II on direct review of a final order of the Washington Utilities and Transportation Commission, in which the Court of Appeals concluded as follows:

Because the projections of future rate base were not "used and useful" for service in Washington, we conclude that the WUTC may not base Avista's rates on them. Accordingly, the WUTC erred in calculating Avista's electric and natural gas rates. The WUTC order provided one lump sum attrition allowance without distinguishing what portion was for rate base and which was for O&M expenses or other considerations. We

(22)

1 strike all portions of the attrition allowance attributable to Avista’s rate base and reverse  
2 and remand for the WUTC to recalculate Avista’s rates without relying on rate base that  
is not used and useful.

3 *Public Counsel v. Wash. Utils. & Transp. Comm’n*, 4 Wn. App. 2d 657, 688-89 (2018); the Court  
4 enters its findings, conclusions, and order, as follows:

5 **FINDINGS**

- 6 1. The Washington State Court of Appeals entered an order reversing and remanding the  
7 decision of the Washington Utilities and Transportation Commission.
- 8 2. The Washington State Court of Appeals has mandated jurisdiction in this matter back to  
9 this Court.

10 **CONCLUSIONS**

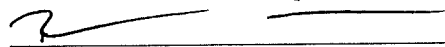
- 11 1. This Court need take no further action in this review of an order of an administrative  
12 agency because the Washington State Court of Appeals has rendered a decision on direct  
13 review.
- 14 2. The matter must be remanded to the administrative agency to effectuate the decision of  
15 the Washington State Court of Appeals.

16 **ORDER**

17 THEREFORE, IT IS ORDERED THAT the parties’ motion to remand this cause to the  
18 Washington Utilities and Transportation Commission is GRANTED and this cause is  
19 REMANDED to the Washington Utilities and Transportation Commission.

20 //  
21 //  
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23 //

DONE IN OPEN COURT on April 16, 2019.

  
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JUDGE/COMMISSIONER  
REBEKAH ZINN  
COURT COMMISSIONER

Presented by:

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION

ROBERT W. FERGUSON  
Attorney General

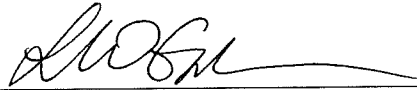


Jennifer Cameron-Rulkowski  
WSBA No. 33734  
Assistant Attorney General  
Office of the Attorney General  
Utilities and Transportation Division  
P.O. Box 40128  
Olympia, WA 98504-0128  
(360) 664-1186  
[jennifer.cameron-rulkowski@utc.wa.gov](mailto:jennifer.cameron-rulkowski@utc.wa.gov)

Approved as to form:

PUBLIC COUNSEL

ROBERT W. FERGUSON  
Attorney General



Lisa W. Gafken  
WSBA No. 31549  
Assistant Attorney General  
Public Counsel Unit  
Office of the Attorney General  
800 Fifth Ave., Suite 2000  
Seattle, WA 98104-3188  
(206) 464-6595  
[lisa.gafken@atg.wa.gov](mailto:lisa.gafken@atg.wa.gov)

AVISTA CORPORATION

Signed per email authorization:



David J. Meyer  
WSBA No. 8717  
VP and Chief Counsel for Regulatory and  
Governmental Affairs  
Avista Corporation  
1411 E. Mission, MSC-27  
Spokane, WA 99220-3727  
(509) 495-4267  
[david.meyer@avistacorp.com](mailto:david.meyer@avistacorp.com)