

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

In the Matter of the Application of)	DOCKET U-XXXXXX
)	
AVISTA CORPORATION,)	ORDER 01
Petitioner,)	
)	
For an Order Establishing Compliance)	
with the Provisions of RCW 80.08.040,)	ESTABLISHING COMPLIANCE
with Respect to its Proposed Issuance of)	WITH RCW 80.08.040,
up to 4,000,000 shares of Common)	SECURITIES
Stock.)	
.....)	

BACKGROUND

- 1 On June 30, 2023, Avista Corporation (Avista or Company) filed with the Washington Utilities and Transportation Commission (Commission) a statement of a planned securities issuance and application (Application) for an order affirming that the Company’s filing has complied with RCW 80.08.040. In its Application, Avista proposes to issue and sell up to 4,000,000 shares of Common Stock for purposes permitted by and under the authority of RCW 80.08.040. The requested authority is in addition to the authority previously granted by the Commission for the issuance and sale of Common Stock in Order No. 1, entered April 14, 2022, in Docket No. 220184, under which 844,787 shares remain authorized but unissued, for a total of 4,844,787 shares.
- 2 Avista filed with its Application: (1) a certification by an authorized officer that the proceeds will be used for one or more purposes allowed by RCW 80.08.030; (2) a description of the proposed issuance, including the terms of financing; and (3) a statement as to why the proposed sale of securities is in the public interest.
- 3 Applicant contends that the proposed issuance is in the public interest because, among other things, it would provide part of the financing necessary to allow the Applicant to carry out the purposes described in the Application and, thus, to continue to conduct its operations as an electric and gas utility on

DISCUSSION

- 4 Commission Staff (Staff) reviewed the Company’s Application and determined that it meets the requirements set out in RCW 80.08.040. Accordingly, Staff recommends the Commission grant the Company’s Application and issues an order finding that the

Company has complied with RCW 80.08.040. a reliable basis for the benefit of its customers. Without such financing, the Applicant could not continue to conduct its operations as such.

5 The statute requires that a regulated utility, prior to issuing a security, must file with the Commission:

(1) A description of the purposes for which the issuance is made, including a certification, by an officer authorized to do so, that the proceeds from any such financing is for one or more of the purposes allowed by RCW 80.08.030;

(2) A description of the proposed issuance, including the terms of financing; and

(3) A statement as to why the transaction is in the public interest.

6 RCW 80.08.040 further provides that any utility that makes such a filing may request the Commission to enter a written order establishing that the utility has complied with the requirements set out above. The statute requires the Commission to enter such an order when the utility has provided all information and statements as required.

7 We agree with Staff and find that Avista has satisfied the statutory requirements. The Application includes a description of the purposes for which the planned securities issuance is made, including a certification by an authorized officer that the proceeds will be used for one or more purposes allowed by RCW 80.08.030; a description of the proposed issuance, including the general terms of the financing; a statement as to why the proposed issuance is in the public interest. We also agree that the proposed securities interest is in the public interest for the reasons given by the Applicant. Accordingly, we grant the Company's Application.

FINDINGS AND CONCLUSIONS

8 The Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, rules, regulations, practices, accounts, securities, transfers of property and affiliated interests of public service companies, including electric companies.

9 Under RCW 80.08.020, the power of public service companies to issue stocks and stock certificates or other evidence of interest or ownership, and bonds, notes and other evidences of indebtedness and to create liens on their property situated within the State of Washington is a special privilege, the right of supervision, regulation, restriction, and control of which is and shall continue to be vested in the State, and such power shall be exercised as provided by law and under such rules and regulations as the Commission may prescribe.

- 9 Avista is engaged in the business of providing electric service and natural gas within the State of Washington. As a public service company, it is subject to Commission jurisdiction.
- 10 On June 30, 2023, Avista filed with the Commission a statement of a planned securities issuance and Application for an order affirming compliance with RCW 80.08.040. The Application includes: (1) a certification by an authorized officer that the proceeds will be used for one or more purposes allowed by RCW 80.08.030; (2) a description of the proposed issuance, including the terms of financing, and (3) a statement as to why the proposed sale of securities is in the public interest, consistent with the requirements set out in RCW 80.08.040.
- 11 (5) After reviewing the information and application Avista filed in Docket U-XXXXX on [DATE], and giving due consideration, the Commission finds that Avista’s Application meets the requirements of RCW 80.08.040.

ORDER

THE COMMISSION ORDERS:

- 12 (1) Avista Corporation has complied with the requirements of RCW 80.08.040 with respect to the proposal in its Application to issue and sell up to 4,000,000 shares of Common Stock (such shares being in addition to the 844,787 shares previously authorized by the Commission in Order No. 01, entered April 14, 2022 in Docket No. U-220184, that remain unissued, for a total of 4,844,787 additional shares).
- 13 (2) This Order shall in no way affect the authority of the Commission over rates, services, accounts, valuations, estimates, or determination of costs, or any matters that may come before it. Nor shall anything in this Order be construed as an agreement to any estimate or determination of costs, or any valuation of property claimed or asserted.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Lacey, Washington, and effective [DATE].

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ []

AMANDA MAXWELL
Executive Director and Secretary