

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

AVISTA CORPORATION d/b/a
AVISTA UTILITIES,

Respondent.

DOCKETS UE-220053 & UG-220054
(Consolidated)

ORDER 04

SECOND PREHEARING
CONFERENCE ORDER

- 1 **NATURE OF PROCEEDING.** On January 21, 2022, Avista Corporation d/b/a Avista Utilities (Avista or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions in Docket UE-220053 to its currently effective electric service tariff, Tariff WN U-28, and in Docket UG-220054 to its natural gas service tariff, Tariff WN U-29.
- 2 On January 27, 2022, the Commission entered Order 01, consolidating Dockets UE-220053 and UG-220054, suspending the tariff revisions, and setting the matters for adjudication.
- 3 On February 14, 2022, the Commission convened a virtual prehearing conference, and on February 16, issued Order 03, Prehearing Conference Order and Notice of Hearing (Order 03).
- 4 On February 16, 2022, Walmart, Inc., (Walmart) filed a late-filed petition to intervene.
- 5 On February 18, 2022, Avista and Commission Staff (Staff) filed responses to Walmart's petition, asserting no objection.

6 **CONFERENCE.** The Commission convened a second virtual prehearing conference on February 28, 2022.

7 **APPEARANCES.** All party representatives present during the first prehearing conference made appearances. Vicki M. Baldwin, Parsons Behle & Latimer, Salt Lake City, Utah, appeared on behalf of Walmart. Updated contact information for the representatives of each party is attached as Appendix A to this Order.

8 **LATE-FILED PETITION TO INTERVENE.** No Party objected to Walmart's late-filed petition to intervene. In its petition, Walmart sufficiently explained why it had failed to file a timely petition to intervene. In addition, Walmart has historically participated in other proceedings before the Commission, including the current 2022 Puget Sound Energy general rate case. Absent objections, the Commission finds that Walmart has established a substantial interest and that their participation will be in the public interest. Accordingly, the Commission grants Walmart's late-filed petition to intervene.

9 **FILINGS WITH THE COMMISSION.** To clarify and update filing requirements outlined in Order 03, parties should not file paper copies of any documents filed in this case. The Commission accepts only electronic versions of documents for formal filing. The Commission requires electronic copies to be in searchable .pdf format (adobe acrobat or comparable software), or to otherwise comply with WAC 480-07-140(6)(a). Parties must submit documents electronically through the Commission's web portal (www.utc.wa.gov/e-filing). If a party is unable to use the web portal to submit documents for filing, the Commission will accept a submission via email to records@utc.wa.gov provided the email: (1) explains the reason the documents are not being submitted via the web portal, and (2) complies with the requirements in WAC 480-07-140(5)(b).

10 **INTERVENOR FUNDING AND PROCEDURAL SCHEDULE.** The Commission adopts the filing deadlines discussed during the second prehearing conference for intervenor funding filings. Participating Organizations seeking a Fund Grant must file a Request for Case Certification (Request) and Notice of Intent to request a Fund Grant (Notice of Intent) by 5 p.m. on Wednesday, March 9, 2022. Any party that has already filed its Request and Notice of Intent may amend its filing up until the deadline on March 9, 2022.

11 The Commission also determines that each Participating Organization should be required to file with the Commission its proposed budget 30 days after the Commission issues a decision on its Request and Notice of Intent. The Commission incorporates these

deadlines into the procedural schedule and attaches the schedule to this Order as Appendix B.

- 12 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in these dockets, subject to Commission review.**

DATED at Lacey, Washington, and effective March 1, 2022.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ *Andrew J. O'Connell*
ANDREW J. O'CONNELL
Administrative Law Judge

**APPENDIX A
PARTIES' REPRESENTATIVES
DOCKETS UE-220053 & UG-220054**

PARTY	REPRESENTATIVE	PHONE	E-MAIL
Avista Corp.	David J. Meyer, Esq. VP and Chief Counsel for Regulatory and Governmental Affairs Avista Corp. P.O. Box 3727 1411 E. Mission Avenue, MSC-10 Spokane, WA 99220-3727	(509) 495-4316	david.meyer@avistacorp.com
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PARTY	REPRESENTATIVE	PHONE	E-MAIL
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Sierra Club	Gloria D. Smith Managing Attorney Sierra Club Environmental Law Program 2101 Webster St., Suite 1300 Oakland, CA 94612	(415) 977-5532	gloria.smith@sierraclub.org
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Small Business Utility Advocates	Jeff Winmill Small Business Utility Advocates 548 Market St., Suite 11200 San Francisco, CA 94104	(206) 516-9660	jeff@utilityadvocates.org
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PARTY	REPRESENTATIVE	PHONE	E-MAIL
Walmart	Vicki M. Baldwin PARSONS BEHLE & LATIMER 201 South Main Street, Suite 1800 Salt Lake City, UT 84111	(801) 532-1234	vbaldwin@parsonsbehle.com
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**APPENDIX B
PROCEDURAL SCHEDULE
DOCKETS UE-220053 & UG-220054**

EVENT	DATE
Company Filing	January 21, 2022
First Prehearing Conference	February 14, 2022
Second Prehearing Conference	February 28, 2022
<i>Intervenor Funding: Requests for Case Certification and Notices of Intent to Request a Fund Grant</i>	March 9, 2022
<i>Intervenor Funding: Proposed Budgets</i>	30 Days After Decision on Request and Notice of Intent
Initial Settlement Conference ¹	May 25-26, 2022
Staff, Public Counsel, and Intervenor Response Testimony and Exhibits ²	July 6, 2022
Avista Circulates Joint Issues Matrix	TBD
Settlement Conference	July 25-26, 2022
Notice Issued for Public Comment Hearing	At least 30 days prior to Public Comment Hearing
Public Comment Hearing	TBD
Avista Rebuttal Testimony and Exhibits; Staff, Public Counsel, and Intervenor Cross-Answering Testimony and Exhibits ³	August 19, 2022
Discovery Deadline – Last Day to Issue Data Requests ⁴	September 6, 2022
Avista Files Joint Issues Matrix	September 14, 2022

¹ Parties may reschedule a settlement conference included in the procedural schedule without seeking to modify the schedule if all Parties agree, but the Parties must provide notice to the presiding officer of the rescheduled date. WAC 480-07-700(5)(a). After the prehearing conference, Public Counsel informed Judge O’Connell via email that it could attend a settlement conference beginning on May 25. Consistent with discussion during the prehearing conference, the initial settlement conference is therefore set to begin on that date and continue on May 26, if necessary.

² Response time to data requests relating to this testimony will be 7 business days.

³ Response time to data requests will be 5 business days.

⁴ Response time to data requests will be 5 business days.

Exhibits List, Cross-Examination Exhibits, Witnesses List, Time Estimates, Exhibits Errata	September 14, 2022
Evidentiary Hearing	September 21-23, 2022
Post-Hearing Briefs and Updated Joint Issues Matrix	October 21, 2022
Compliance Filing	TBD
Suspension Date ⁵	December 21, 2022

⁵ Based on a 10-month suspension from the stated effective date of February 21, on the as-filed tariff sheets. *See* RCW 80.04.130; RCW 80.28.060.