

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION**

In the Matter of a Rulemaking to Consider)	
)	
Possible Corrections and Changes in)	
)	DOCKET NO. A-050802
Rules in Chapter 480-07 WAC, Relating)	
)	
To Procedural Rules (CR-102))	

Comments of the NW Energy Coalition on Supplemental CR-102

Submitted by Senior Policy Associate Danielle Dixon

June 19, 2006

The Coalition has actively participated in Docket No. A-050802, advocating for specific rules regarding notice of and ability to participate in settlement conferences in adjudicated proceedings. These comments respond to the supplemental proposal issued by the Commission on May 11, 2006, concerning Alternative Dispute Resolution (ADR), WAC 480-07-700.

We support inclusion of these proposed supplemental provisions in the final rules regarding ADR. While the supplemental proposal does not fully reflect the recommendations proposed by the Coalition in conjunction with Public Counsel and other parties, it represents a positive step by ensuring all parties will be notified of and allowed to participate in any settlement conferences that occur prior to the first prehearing conference in a case as well as in the initial settlement conference formally established in the procedural schedule. Including these provisions in the final rules is critical to help ensure a fair process with clear expectations that persists despite changes in party representation.

The proposed supplemental rules do not address the situation in which a subset of parties to a proceeding, following the initial settlement conference, may negotiate without notice to or

inclusion of all parties to the proceeding. In recent practice, however, once all parties have initially convened to discuss settlement, further process issues tend to be addressed inclusively. We are cautiously optimistic that trend will continue. We note that the term “initial” is not defined in the proposed supplemental rules. To ensure clarity, we recommend specifying that the “initial settlement conference” is the first settlement conference that will occur following the first prehearing conference.

We appreciate the Commission’s efforts to propose a compromise solution in the current rulemaking to address concerns raised regarding settlement discussions. We hope that these proposed supplemental rules and the lengthy discussions preceding them will together accomplish our goal of ensuring an open and equitable settlement process.