

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

In the Matter of the Petition of	)	DOCKET UE-061411
)	
AVISTA CORPORATION, D/B/A	)	ORDER 03
AVISTA UTILITIES,)	
)	
For an Order Approving Avista's	)	PREHEARING CONFERENCE
Update of its Base Power Supply and	)	ORDER;
Transmission Costs.	)	NOTICE OF HEARING
	)	(Set for February 12, 2007, 9:30
	)	a.m.)
	)	NOTICE OF PREHEARING
	)	CONFERENCE
	)	(Set for February 8, 2007, 1:30
	)	p.m.)
.....)	

1 **NATURE OF PROCEEDING.** Docket UE-061411 involves a request by Avista Corporation for approval for an update to the Company's base power supply (production) and transmission costs.

2 **CONFERENCE.** The Washington Utilities and Transportation Commission (Commission) convened a prehearing conference in this docket at Olympia, Washington on September 27, 2006, before Administrative Law Judge C. Robert Wallis.

3 **APPEARANCES.** David Meyer, attorney, Spokane, Washington, represents Avista Corporation (Avista). Judith Krebs, Assistant Attorney General, Seattle, Washington, represents the Public Counsel Section of the Washington Office of the Attorney General (Public Counsel). Robert D. Cedarbaum, Assistant Attorney General, Olympia, Washington, represents the Commission's regulatory staff (Commission Staff or Staff).¹ Melinda Davison and Bradley Van Cleve, attorneys, Davison Van

¹ In formal proceedings, such as this case, the Commission's regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as any other party to the proceeding. There is an "ex parte wall" separating the Commissioners, the presiding Administrative Law Judge, and the Commissioners' policy and accounting advisors from all parties, including Staff. RCW 34.05.455.

Cleve, Portland, Oregon, represent Petitioner Industrial Customers of Northwest Utilities (ICNU). Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order. Contact information for staff members who should receive copies of distributed material is attached as Appendix B. Persons on this list are not formal representatives for legal or individual rights of the parties, but the parties ask that they receive electronic mail notification for purposes of maintaining a current record.

4 **PETITIONS FOR INTERVENTION.** Industrial Customers of Northwest Utilities petitioned in writing to intervene in the docket. No party objected to the petition. The Commission finds that the petitioner has established a substantial interest in this proceeding and that its participation will be in the public interest. The petition to intervene is granted. The Commission received no other requests to intervene in this docket.

5 **PROTECTIVE ORDER.** The parties ask that the Commission enter a protective order in this docket under RCW 34.05.446, RCW 80.04.095, WAC 480-07-420 and WAC 80-07-423 to protect the confidentiality of proprietary information. The request was granted and a protective order has been entered in this docket.

6 **DISCOVERY.** The parties asked that the discovery rules be invoked in this docket consistent with WAC 480-07-400. The matter is one that qualifies for discovery. The discovery rules, WAC 480-07-400 through 425, are invoked. Beginning with the filing of staff and intervenor direct evidence on January 13, 2007, the time for response to discovery requests is five business days.

7 **DISPOSITIVE MOTIONS.** Intervenor ICNU and Public Counsel indicated a desire to file dispositive motions. They propose to challenge the propriety of the Company's filing, arguing that it constitutes a general rate case filing without complying with the procedural requirements for such a filing, or that it constitutes an improper "single issue rate case."

8 **PROCEDURAL SCHEDULE.** The parties failed to agree upon a procedural schedule during the conference. The matter was argued, and the presiding administrative law judge determined a procedural schedule, to which the parties

expressed assent. The Commission adopts the following procedural schedule, which is also attached to this Order as Appendix C. If the Commission grants a motion for summary determination, changes may be necessary to portions of the following schedule beginning with the filing of staff, public counsel, and intervenor testimony.

Company direct testimony	(Previously filed)
Settlement conference for parties	Parties will determine, and advise the Commission of the date selected
Dispositive motions	October 27, 2006
Answers	November 15, 2006
Replies	November 27, 2006
Responding evidence	January 12, 2007
Company, Cross-rebuttal and Answering testimony	January 30, 2007
Prehearing Conference	February 8, 2007
Hearing	February 12-15, 2007
Public hearing	To be determined ²
Simultaneous briefs	March 6, 2007

9 **NOTICE OF HEARING.** The Commission will hold evidentiary hearings in this matter beginning **Monday, February 12, 2007, at 9:30 a.m.** in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S. W., Olympia, Washington.

10 **NOTICE OF PREHEARING CONFERENCE.** The Commission will convene a prehearing conference in this matter on **Thursday, February 8, 2007, at 1:30 p.m.** in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S. W., Olympia, Washington to mark exhibits, including exhibits on cross examination, if any, and to address any procedural matters that the parties may present. If no matters warrant attention, the conference will be cancelled.

² Public Counsel, in consultation with the Commission's public affairs staff, other parties, and the Administrative Law Division, will no later than October 27 recommend a date and location for a hearing for members of the public to comment on the proposed rate increase.

- 11 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an original plus **8** copies of all pleadings, motions, briefs, and other prefiled materials. These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.
- 12 All filings must be mailed or delivered to the Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 13 An electronic copy of all filings must be provided through the Commission's Web Portal (www.wutc.wa.gov/e-filing) or by e-mail delivery to <records@wutc.wa.gov>. Alternatively, parties may furnish an electronic copy by delivering with each filing a CE or a 3.5-inch IBM-formatted high-density diskette including the filed document(s). Parties should furnish electronic copies in .pdf (Adobe Acrobat) format, supplemented by a separate file in MS Word 6.0 (or later), or WordPerfect 5.1 (or later) format. Parties are required to follow WAC 480-07-140(5) in organizing and identifying electronic files.
- 14 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Pursuant to WAC 480-07-145(6) the presiding officer may grant parties a one-day extension of the paper-filing requirement, allowing electronic submission of documents with the Commission on the filing deadline. Parties may only submit documents electronically with the Commission in this proceeding with the permission of the presiding officer. If, at any time during this proceeding, parties are authorized to submit documents with the Commission electronically under WAC 480-07-145(6), parties must submit the document through the Commission's Web portal (www.wutc.wa.gov/e-filing) or by e-mail to records@wutc.wa.gov, and file an original, plus **8** copies, of the document with the Commission by the following business day. Finally to perfect filing, parties must provide courtesy copies of filings to the presiding officer and advisory staff, as well as the parties to the proceeding.

- 15 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Pursuant to WAC 480-07-145(6) the presiding officer granted a one-day extension of the paper-filing requirement, allowing parties to submit documents to the Commission electronically on the filing deadline. Parties may submit documents electronically either through the Commission's Records Center Web Portal (www.wutc.wa.gov/e-filing) or via e-mail to records@wutc.wa.gov, and must file an original, plus **8** paper copies, of the document with the Commission by the following business day. Finally, to perfect filing, parties must provide courtesy copies to the presiding administrative law judge and advisory staff as well as the parties to the proceeding. **PLEASE NOTE: The one-day extension of paper filing is NOT the rule of the case, and is not available in the absence of PRIOR authorization from the presiding officer. Parties should request permission at least 48 hour prior to the stated filing deadline.**
- 16 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1142.
- 17 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review. Parties must provide courtesy copies of filings to the presiding administrative law judge.**

Dated at Olympia, Washington, and effective September 29, 2006.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

C. ROBERT WALLIS
Administrative Law Judge

APPENDIX A

**PARTIES' REPRESENTATIVES
DOCKET UE-061411**

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Avista Corporation	David J. Meyer Vice president and Chief Counsel for Regulatory and Governmental Affairs P.O. Box 3727 1411 E. Mission Ave., MSC-13 Spokane, WA 99220-3727	(509) 495-4316	(509) 495-8851	david.meyer@avistacorp.com
Public Counsel	Judith Krebs Public Counsel Section Office of Attorney General 800 Fifth Ave., Suite 2000 Seattle, WA 98104-3188	(206) 464-6595	(206) 389-2058	judyk@atg.wa.gov
Industrial Customers of Northwest Utilities (ICNU)	Melinda Davison and S. Bradley Van Cleve Davison Van Cleve, P.C. 333 S.W. Taylor Suite 400 Portland, OR 97204	(503) 241-7242	(503) 241-8160	mail@dvclaw.com
Commission Staff	Robert D. Cedarbaum Assistant Attorney General 1400 S. Evergreen Park Dr. SW P.O. Box 40128 Olympia, WA 98504-0128	(360) 664-1188	(360) 586-5522	bcedarba@wutc.wa.gov
Presiding Officer	C. Robert Wallis (Administrative Law Judge)	(360) 664-1142	(360) 664-2654	bwallis@wutc.wa.gov

APPENDIX B

**INFORMAL DISTRIBUTION LIST (In addition to counsel of record)
DOCKET UE-061411**

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Avista Corporation	Elizabeth M. Andres (Senior Regulatory Analyst)	(509) 495-8601	(509) 495-8058	liz.andrews@avistacorp.com
	Kelly Norwood (Vice President – State & Federal Regulations)	(509) 495-4267	(509) 495-8851	Kelly.norwood@avistacorp.com
Public Counsel	Carol Williams (Legal Assistant)	(206) 464-6215	(206) 389-2058	carolw@atg.wa.gov
	Mary Kimball	(206) 389-2529	(206) 389-2058	maryk2@atg.wa.gov
Industrial Customers of Northwest Utilities (ICNU)	Matt Perkins (Associate)	(503) 241-7242	(503) 241-8160	mwp@dvclaw.com
	Christian Griffin (Paralegal)	(503) 241-7242	(503) 241-8160	cwg@dvclaw.com
Commission Staff	Alan Buckley	(360) 664-1306	(360) 586-1150	abuckley@wutc.wa.gov
	Mike Parvinen	(360) 664-1315	(360) 586-1150	mparvine@wutc.wa.gov
Commission Advisory Staff	Dick Byers (Policy)	(360) 664-1209	(360) 664-1209	dbyers@wutc.wa.gov
	Nicolas Garcia	(360) 664-1346	(360) 664-1346	ngarcia@wutc.wa.gov

**APPENDIX C
PROCEDURAL SCHEDULE
DOCKET UE-061411**

EVENT	DATE	INTERVAL
Company Direct Testimony	August 31, 2006	
Settlement Conference for Parties	Parties will determine and advise the Commission of the date selected	
Dispositive Motions	October 27, 2006	57 days
Answers	November 15, 2006	19 days
Responding Evidence	January 12, 2007	58 days
Company, Cross-rebuttal and Answering Testimony	January 30, 2007	17 days
Prehearing Conference	February 8, 2007	9 days
Hearing	February 12 – 15, 2007	4 days
Public Hearing	To be determined	
Simultaneous Briefs	March 6, 2007	19 days