

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

WASHINGTON UTILITIES AND	)	DOCKETS UE-080416
TRANSPORTATION COMMISSION,	)	and UG-080417
	)	<i>(consolidated)</i>
Complainant,)	
	)	ORDER 07
v.)	
)	
AVISTA CORPORATION d/b/a	)	ORDER GRANTING EXPEDITED
AVISTA UTILITIES,	)	CONSIDERATION AND
	)	GRANTING, IN PART, PETITION
Respondent.	)	FOR REVIEW
	)	(Rebuttal Testimony due
.....	)	Wednesday, October 22, 2008)

1 BACKGROUND AND PROCEDURAL HISTORY. On March 4, 2008, Avista Corporation d/b/a Avista Utilities (Avista) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its electric service and natural gas service tariffs.¹ On September 16, 2008, Avista, the Commission’s regulatory staff (Commission Staff or Staff),² Northwest Industrial Gas Users (NWIGU), and The Energy Project filed a Multi-party Settlement Stipulation (Settlement) resolving all disputed issues between those parties . One term of the Settlement provides that revised rates will take effect on January 1, 2009. The Industrial Customers of Northwest Utilities (ICNU), joined some, but not all, of the Settlement terms and conditions. The Public Counsel Section of the Office of the Attorney General (Public Counsel) did not agree to the terms and conditions of the Settlement.

¹ A complete procedural history is set forth in Order 06, entered in these proceedings on October 8, 2008, and will not be repeated here.

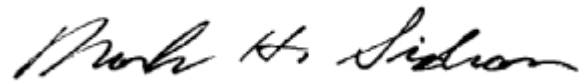
² In formal proceedings, such as this, the Commission’s regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as other parties to the proceeding. There is an “*ex parte* wall” separating the Commissioners, the presiding Administrative Law Judge, and the Commissioners’ policy and accounting advisors from all parties, including regulatory staff. *RCW 34.05.455*.

- 2 By Order 06 entered in these proceedings on October 8, 2008, Administrative Law Judge Patricia Clark recognized that the Commission may accept, reject, or modify settlements. *WAC 480-07-750(1)*. Judge Clark concluded that the procedural schedule previously adopted in these matters did not provide sufficient time for the Commission to exercise its discretion to accept the settlement if, after hearing, it found the settlement lawful and consistent with the public interest. Accordingly, Judge Clark modified the procedural schedule in these matters.
- 3 **PETITION FOR REVIEW.** On October 10, 2008, ICNU and Public Counsel filed a petition for review of Order 06. ICNU requested that the deadline for the settling parties to file rebuttal testimony be moved forward from October 27, 2008, to October 20, 2008. ICNU and Public Counsel assert that the current deadline will harm their ability to litigate this proceeding because they will have inadequate time to conduct discovery and prepare for hearing. ICNU and Public Counsel stated that they filed their joint testimony in reply to the Settlement the same date that they filed the petition for review; five days in advance of the current deadline.
- 4 On October 14, 2008, Avista and Staff filed answers to the petition for review. Avista and Staff objected to moving the deadline forward to October 20, 2008, due to the need to work with consultants to prepare their rebuttal testimony and due to work on other proceedings. However, Avista and Staff did not oppose moving the deadline for rebuttal testimony forward to October 22, 2008. No other party filed an answer.
- 5 **DISCUSSION AND DECISION.** We grant the request for expedited consideration. Given the abbreviated procedural schedule in these proceedings and the request to move the deadline for filing rebuttal testimony forward, it is necessary to rule on the petition as expeditiously as possible.

6 We grant, in part, the petition for review. In reaching that decision, we balance the interests of ICNU and Public Counsel in having sufficient time to conduct discovery and prepare for hearing with the interests of the settling parties in having sufficient time to prepare rebuttal testimony and address other regulatory matters. We conclude that it is reasonable to accelerate the deadline for filing rebuttal testimony to Wednesday, October 22, 2008.

7 Dated at Olympia, Washington, and effective October 14, 2008.

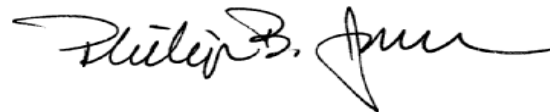
WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION



MARK H. SIDRAN, Chairman



PATRICK J.; OSHIE, Commissioner



PHILIP B. JONES, Commissioner