

Docket A-050802
Procedural Rules Comment Matrix
Settlement Rules

<i>Provision</i>	<i>Proposal</i>	<i>Commenter</i>	<i>Comment</i>	<i>Response</i>
480-07-650(1)	Limits time span of notice of pet. for enforcement of ICA.	Verizon NW	Supports	
480-07-700(3)	Settlement conf. defined: “communications intended to resolve disputes”	WITA	Settlement conf. too broadly defined. Bars finding out whether a subject is negotiable.	The proposed topic seems proper – it is not a communication that is intended to resolve a dispute, but only to determine whether the subject should be addressed. Clarification appropriate.
480-07-700(3)	Requires notice of initial settlement agreement	Verizon NW	Opposes. (3) as overly formulaic and would prevent inquiries	Should not prevent inquiries. Clarification appropriate.
480-07-700(3)(b)	Early initial settlement conf.	Verizon NW	Opposes. Requires too many participants, too much notice, too much precision	Only notice is required. Should be clarified to make clear that participation is voluntary
480-07-700 (new proposal)	Multiparty settlement	Verizon NW	Proposes language to require multiparty settlers to offer settlement to non-settling parties	Does not seem to be an issue. No cases apparent where settling parties excluded; non-settlers always may accept someone else’s proposal.
480-07-700	Settlement rule	NWEC	Supports as a constructive step.	

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480-07-700		Public Counsel	Supports strongly. 1) Amend: identify rather than define whether a dispute exists. 2) Clarify “parties” for early initial conf.	1) Amend “identify” rather than define whether dispute exists. 2) Refine language relating to party for purposes of notice (PC and WITA)
480-07-700	Settlement rule	Qwest PacifiCorp	Opposes, supports PSE comments in opposition Opposes	
480-07-700(3)	Early initial conference	Qwest	Pre-conference barrier would allow one party to hold others hostage.	There is no barrier. A party wanting to start negotiations with another need merely provide the notice.
480-07-700(3)	Early initial conference	PacifiCorp	1) Settlement discussions this early are so seldom that there is little use. 2) “Discussions” not defined – is it not a conference? 3) 14 days' notice is burdensome and would exclude some participants	1) Stakeholders do report some problems with early discussions. 2) Good point. Amend to use the term “conference.” 3) Revise to ten days' notice.
480-07-700	Settlement conference defined;	PacifiCorp	1. Too broadly defined. Goes beyond prior comments (aimed at staff). 2. Little practical effect except at early stages.	1) Need to be precise in order to guide behavior.

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480-07-700		ICNU	<p>1) Supports, with reservations.</p> <p>2) Concerned about apparent gap between prehearing conference and initial settlement conference. Rule should clearly close the door.</p>	<p>2) There is no gap – at the prehearing conference, parties can set a settlement conference for any time they wish.</p>
480-07-700		R. Finnigan	<p>1) Fears settlement discussions re small co's will be harmed. No need to involve public counsel because PC does not participate in those cases.</p> <p>2) Prior customer intervenors are a concern – should they be included?</p>	<p>1) Limit notice requirement for public counsel participation. PC merely needs to be invited, not required to participate, and can be excused from notice if they won't appear.</p> <p>2) prior intervenors should be included in notice, but should be required to seek intervention to participate..</p>
480-07-700		PSE	<p>1) Opposes settlement amendments as unneeded and unwise.</p> <p>2) Limit intervenor participation to issues involving the interests that supported their intervention.</p> <p>3) Exclude discussions between staff auditors and co. staff because many small issues get resolved then.</p>	<p>2) Good idea.</p> <p>3) Makes sense – Is there a way to do this? Percentage of rate request?</p>