

BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION
COMMISSION,

Complainant,

v.

PACIFICORP, d/b/a Pacific Power &
Light,

Respondent.

DOCKET NO. UE-111190

MOTION FOR LEAVE TO FILE
REVISED TESTIMONY OF
PUBLIC COUNSEL

Pursuant to WAC 480-07-375(1)(d) and 480-07-460(1)(b)(i), the Public Counsel Section of the Washington Attorney General's Office (Public Counsel) hereby moves the Washington Utilities and Transportation Commission (Commission) for leave to file revised direct testimony and revised supplemental testimony submitted with this motion. The purpose of this filing is to amend the direct and supplemental testimony of Bion C. Ostrander to correct Adjustment 4.16 "Impute Income on Federal Tax Receivable" which is found in schedule 8 of Exhibit No. BCO-3C and Supplemental Exhibit No. BCO-8. Additionally, Public Counsel seeks to file an errata sheet to Mr. Ostrander's direct testimony, Exhibit No. BCO-1CT to reflect the changes in the revised exhibits.

2. Public Counsel filed direct testimony, including Exhibit No. BCO-1CT and Exhibit No. BCO-3C in this general rate case proceeding on January 6, 2012, and supplemental Exhibit No. BCO-8 on January 24, 2012. In these filings, Mr. Ostrander inadvertently calculated his adjustment 4.16 “Impute Income on Federal Tax Receivable” using the Return on Equity (ROE) established in PacifiCorp’s last rate case, Docket No. UE-100749, instead of the Rate of Return (ROR) established in that case. The 9.8 percent ROE figure that was used has been replaced with the 7.81 percent ROR. This replacement results in a change to the adjustment from \$1,268,160 to \$1,010,646. From the Company’s adjusted books, this change reduces the overall proposed reduction to revenue requirement from \$4,073,230 to \$3,803,355. From the Company’s unadjusted books, the proposed reduction to revenue requirement is reduced from \$3,099,610 to \$2,842,096.¹ Accordingly, Public Counsel requests permission to file Revised Direct Testimony of Bion C. Ostrander, Exhibit No. BCO-3C and Revised Supplemental Exhibit No. BCO-8, reflecting these changes. Additionally, Public Counsel seeks to file an errata sheet to Mr. Ostrander’s direct testimony, Exhibit No. BCO-1CT. This errata sheet revises the numbers in Mr. Ostrander’s testimony, where appropriate, to reflect the numbers in the revised exhibits.

3. Pursuant to WAC 480-07-460(1)(b)(i), “[p]refiled testimony may be revised to correct mistakes of fact asserted by a witness.” When a mistake of fact, including an “error in calculation” is discovered, “[e]ach party must advise all other parties of [the] substantive

¹ The proposed overall reduction to revenue requirement numbers differ in Exhibit Nos. BCO-3C and BCO-8 because Exhibit No. BCO-3C presents adjustments from the Company’s unadjusted books and Exhibit No. BCO-8 presents adjustments from the Company’s adjusted books.

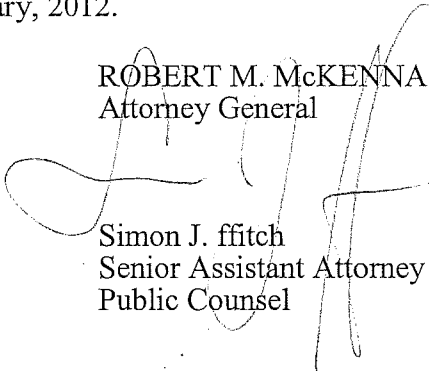
corrections to any prefiled evidence.”² Accordingly, Public Counsel files this motion seeking leave to file revised testimony and an errata sheet.

4. This motion should be granted because the proposed revised testimony promotes the “Commission’s interest in having a full record with the best available evidence upon which to base its decisions.”³ Additionally, the timing of this motion, prior to the deadline for rebuttal testimony, is such that the parties will not be prejudiced by the revisions.⁴ Finally, Public Counsel has previously advised the parties of its intent to propose these revisions, creating opportunity for the parties to evaluate the changes and consider their respective positions in this proceeding.

5. For the foregoing reasons, Public Counsel respectfully requests that the Commission enter an order granting it leave to revise its direct and supplemental testimony in this proceeding and accepting for filing, revised testimony and the errata sheet submitted with this motion.

6. DATED this 31st day of January, 2012.

ROBERT M. McKENNA
Attorney General



Simon J. ffitch
Senior Assistant Attorney General
Public Counsel

² WAC 480-07-460(1)(b)(i).

³ See *WUTC v. Puget Sound Energy, Inc.*, Docket No. UE-072300 and UG-072301, Order No. 9, Granting Motions for Leave to File Revised and Supplemental Testimony, 2 (June 26, 2009).

⁴ See *id.*