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To: <arendahl@wutc.wa.gov>
Cc:
Subject: Docket No. A-050802 -- Procedural Rules re Settlement

Judge Rendahl:

I reviewed the revised language you circulated on July 5 with my clients at PacifiCorp. We have no substantive comments on the proposed language. In our review, however, we identified a couple of possible minor edits for the Commission's consideration.

In subsection (3), the second sentence refers to "Settlement conferences or discussions." This is the only instance in which the term "discussion" is used; it appears that "conference" is the defined term, and you may want to consider whether using the term "discussion" here creates confusion or ambiguity.

In subsection (3)(b), notice is required to be given to "any entity" that has filed a petition to intervene. In subsection (3), "any party or person" who has filed a petition to intervene may participate in the initial settlement conference. Inasmuch as 480-07-340(1) defines a "person" to mean an "entity of any character," it may be preferable to replace the term "entity" in subsection (3)(b) with "party or person," to match the language used in subsection (3).

Please give me a call if you wish to discuss either of these suggestions. PacifiCorp does not plan to file written comments on July 10 or attend the discussion of this matter at the July 12 open meeting.

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