



STATE OF WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

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April 25, 2024

**NOTICE INVITING REPLY TO AVISTA'S RESPONSE TO  
STAFF'S MOTION FOR SUMMARY DETERMINATION  
(Due by Monday, May 6, 2024)**

Re: *Washington Utilities and Transportation Commission v. Avista Corporation*,  
Dockets UE-240006 & UG-240007 (*Consolidated*)

TO ALL PARTIES:

On January 18, 2024, Avista Corporation, d/b/a Avista Utilities (Avista or Company), filed with the Washington Utilities and Transportation Commission (Commission) revisions to its electric and natural gas service tariffs, which were assigned Dockets UE-240006 and UG-240007, respectively. On January 31, 2024, the Commission entered Order 01, consolidating the dockets, suspending the tariffs, and setting the matters for adjudication.

On March 20, 2024, Commission staff (Staff) filed a Motion for Partial Summary Determination (Motion), requesting that the Commission determine as a matter of law that Avista may not include in its pro forma power cost adjustment a \$65.8 million portfolio forecast error adjustment, nor incorporate it into the Energy Recovery Mechanism (ERM) baseline. Staff alleges that no material issue of fact exists with regard to the portfolio forecast error adjustment.

On April 9, 2024, Public Counsel filed a reply in support of the Motion and Avista filed a reply (Avista's Reply) urging the Commission to decline to make a summary determination at this time. Avista alleges that multiple questions of fact demand examination through the hearing process.

On April 17, 2024, Staff filed a Motion for Leave to File Reply (Motion for Leave), requesting the opportunity to respond to the claims made in Avista's Reply. Also on April 17, Avista filed a Response to Staff's Motion for Leave, noting that Staff's request was untimely and arguing that the Commission should deny Staff the opportunity to reply.

WAC 480-07-370(5)(b) provides, as Avista indicates, that any motion for leave to file reply must be filed within five business days after service of the answer. Staff's Motion for Leave was therefore untimely, as it was filed six business days after Avista's Reply. WAC 480-07-370(5)(b) further provides that any such motion will be deemed denied unless the motion is granted within five business days of filing. As more than five business days have elapsed since Staff filed its Motion for Leave, that motion has thus been deemed denied by operation of the rule.

However, we find that the record is best served by a thorough discussion of the issues surrounding the Motion, and we therefore, pursuant to WAC 480-07-370(5)(c), invite any party wishing to reply to Avista's Reply to do so by 5 p.m. Monday, May 6, 2024.

**THE COMMISSION GIVES NOTICE That the Commission invites any party wishing to file a reply to Avista's Reply to Staff's Motion for Partial Summary Determination to do so by 5 p.m., Monday, May 6, 2024.**

*/s/ Paige Doyle*  
PAIGE DOYLE  
Administrative Law Judge