

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND	)	DOCKET UE-111190
TRANSPORTATION	)	
COMMISSION,	)	ORDER 06
	)	
Complainant,	)	ORDER GRANTING UNOPPOSED
	)	REQUEST TO CONTINUE
v.	)	HEARING DATE AND SUSPEND
	)	REMAINDER OF PROCEDURAL
PACIFICORP D/B/A PACIFIC	)	SCHEDULE; AND GRANTING
POWER & LIGHT COMPANY,	)	UNOPPOSED MOTIONS TO FILE
	)	REVISED TESTIMONY AND
Respondent.	)	EXHIBITS
.....	)	

**MEMORANDUM**

- 1     **BACKGROUND.** On July 1, 2011, PacifiCorp d/b/a Pacific Power & Light Company (PacifiCorp or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff WN U-75. The stated effective date is July 31, 2011. The purpose of the filing is to increase rates and charges for electric service provided to customers in the state of Washington. With this filing, the Company requests an electric rate increase of \$12.9 million, or 4.3 percent.
  
- 2     By Order 01 entered in this proceeding on July 28, 2011, the Commission suspended operation of the tariff revisions until May 31, 2012, and granted the request for a Protective Order.<sup>1</sup> By Order 04, entered August 31, 2011, the Commission established a procedural schedule in this matter including deadlines for submitting prefiled testimony and exhibits and setting this matter for hearing commencing March 6, 2012.

---

<sup>1</sup> Order 02, Protective Order, was entered on July 28, 2011.

- 3 **MOTIONS AND REQUESTS.** On January 13, 2012, the Industrial Customers of Northwest Utilities (ICNU) filed a Motion to File Supplemental Exhibit to comply with the directives in Order 04, Prehearing Conference Order.<sup>2</sup> On January 24, 2012, Public Counsel Section of the Office of the Attorney General (Public Counsel) filed a Motion for Leave to File Supplemental Exhibit. Public Counsel filed, on January 31, 2012, filed a Motion for Leave to File Revised Testimony and Exhibits to correct errors in its previously-filed testimony and exhibits. No party opposed these motions and the time for doing so has now expired.
- 4 On February 3, 2012, the Commission Staff<sup>3</sup> filed a letter notifying the Commission that the parties to this proceeding have reached a settlement in principle resolving all disputed issues. The parties propose a Settlement Agreement and testimony in support thereof no later than February 21, 2012. The parties request that the hearing in this matter be continued to convene on March 7, 2012, should a Settlement Hearing be required. And finally, the parties request that the remainder of the procedural be suspended. The Commission Staff stated that it was authorized to represent that PacifiCorp, Public Counsel, ICNU, and The Energy Project<sup>4</sup> concur with the requests.
- 5 According to WAC 480-07-385, the Commission will grant continuances if the requesting party states good cause and doing so will not prejudice any party or the Commission. In this case, all parties have reached a settlement agreement and support continuing the hearing in this matter. The Commission concludes that a Settlement Agreement among all the parties constitutes good cause to continue the hearing and doing so will not prejudice any party or the Commission. Accordingly, the request is granted.

---

<sup>2</sup> Although the Motion is entitled a “Motion to Admit Supplemental Exhibit,” the relief sought in the motion is simply leave to file.

<sup>3</sup> In formal proceedings, such as this, the Commission’s regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners’ policy and accounting advisors do not discuss the merits of the proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

<sup>4</sup> The Commission assumes that IBEW Local 125 also does not oppose this request because by Order 05, entered October 28, 2011, granting its intervention, the Commission required the labor union to coordinate its participation with Commission Staff and Public Counsel.

- 6 **NOTICE OF HEARING.** The evidentiary hearing scheduled to convene March 6, 2012, at 9:30 a.m., **is continued to March 7, 2012, at 9:30 a.m.**, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.
- 7 **SETTLEMENT AGREEMENT AND SUPPORTING DOCUMENTS.** The parties propose to file the Settlement Agreement and documents in support thereof **by February 21, 2012.** This filing deadline is reasonable. It should give the parties an opportunity to memorialize their agreement in writing and it is sufficiently in advance of the hearing to afford the Commission the opportunity to review and analyze the documents before hearing.
- 8 **PROCEDURAL SCHEDULE.** The Commission finds that the parties have stated good cause to suspend the remainder of the procedural schedule. No purpose would be served by retaining the remainder of the deadlines in this schedule.
- 9 **MOTIONS TO SUPPLEMENT AND AMEND TESTIMONY AND EXHIBITS.** The Commission grants the unopposed motions of ICNU and Public Counsel to amend and supplement their previously filed testimony and exhibits. The parties stated good cause to revise those documents. Although it appears that the testimony and exhibits may be rendered moot by the subsequent settlement, in principle, the Commission finds that it would be efficient to address the outstanding motions at this juncture to obviate the need for any further process should the parties elect to rely on some or all of the prefiled testimony and exhibits in this matter.

DATED at Olympia, Washington, and effective February 6, 2012.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

PATRICIA CLARK  
Administrative Law Judge