

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PACIFICORP d/b/a PACIFIC POWER
& LIGHT COMPANY,

Respondent.

DOCKET UE-250460

ORDER 01

GRANTING PETITION FOR
EXEMPTION FROM WAC 480-107-
017(4)

BACKGROUND

- 1 On June 10, 2025, PacifiCorp d/b/a Pacific Power & Light Company (PacifiCorp or Company) filed a Petition for Partial Waiver of WAC Chapter 480-107 and Approval of the Draft 2025 RFP (Petition) with the Washington Utilities and Transportation Commission (Commission). PacifiCorp's Petition requests the Commission waive certain competitive bidding requirements contained in WAC chapter 480-107, and approve the Company's Draft 2025 Request for Proposals (RFP) within seventy-five days of filing.
- 2 On June 12, 2025, the Commission issued a Notice of Opportunity to Comment in this Docket.
- 3 On June 26, 2025, Commission staff (Staff) filed a Petition for Exemption from WAC 480-107-017(4) (Staff's Petition). Staff's Petition requests that the Commission grant an exemption from the requirement that the Commission approve, approve with conditions, or suspend RFP filings within seventy-five days, and set this matter to be heard at the August 28, 2025, open meeting.
- 4 Staff notes that pursuant to WAC 480-107-017(4), the deadline for Commission action on PacifiCorp's Draft 2025 RFP would be August 25, 2025. In effect, Staff is asking for a

limited extension so that this matter may be heard at the second open meeting in August. Staff's Petition asserts that PacifiCorp agrees with Staff's request.

DISCUSSION AND DECISION

5 Pursuant to WAC 480-07-110(1), the Commission:

[I]n response to a request . . . may grant an exemption from . . . any of its rules in individual circumstances if the exemption or modification is consistent with the public interest, the purposes underlying regulation, and applicable statutes.

The public interest standard is used to determine:

[W]hether to grant an exemption from, or modification to, a commission rule. Factors the commission may consider in making this determination include whether the rule imposes an undue hardship on the requesting person of a degree or a kind different from hardships imposed on other similarly situated persons, and whether the effect of applying the rule to the requesting person would be contrary to the underlying purposes of the rule and the public interest.¹

6 In this case, Staff's Petition requests a reasonable exemption and requests this matter be heard three days after the deadline imposed by WAC 480-107-017(4). PacifiCorp agrees with Staff's Petition. Granting Staff's Petition is in the public interest as it is uncontested and will provide Staff and other interested parties additional time to evaluate and submit comments on PacifiCorp's Petition. Further, granting Staff's Petition will not prejudice the Company by unduly extending consideration of its Petition. Accordingly, we find that Staff's Petition should be granted and this matter should be set for the August 28, 2025, open meeting.

FINDINGS AND CONCLUSIONS

- 7 (1) The Commission is an agency of the State of Washington vested by statute with the authority to regulate rates, regulations, and practices of public service companies, including electric companies.
- 8 (2) PacifiCorp is an electric company and a public service company subject to Commission jurisdiction.

¹ WAC 480-07-110(2)(c).

- 9 (3) PacifiCorp filed a Petition for Partial Waiver of WAC Chapter 480-107 and Approval of the Draft 2025 RFP on June 10, 2025.
- 10 (4) Pursuant to WAC 480-107-017(4), the Commission will approve, approve with conditions, or suspend an RFP filing within 75 days, under which the deadline for action on PacifiCorp's Petition would be August 25, 2025.
- 11 (5) On June 26, 2025, Staff filed a Petition for Exemption from WAC 480-107-017(4).
- 12 (6) Pursuant to WAC 480-07-110, the Commission may grant an exemption from the provisions of any of its rules if doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes.
- 13 (5) After reviewing Staff's Petition in Docket UE-250460 and giving due consideration to all relevant matters, the Commission finds that Staff's Petition should be granted and this matter should be set for the August 28, 2025, open meeting.

ORDER

THE COMMISSION ORDERS:

- 14 (1) Commission Staff's Petition for Exemption from WAC 480-107-017(4), filed June 26, 2025, is GRANTED, and this matter shall be set for the August 28, 2025 open meeting.
- 15 (2) The Commission retains jurisdiction over this matter and PacifiCorp d/b/a Pacific Power & Light Company to effectuate the terms of this Order.

DATED at Lacey, Washington July 3, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Connor Thompson
Connor Thompson
Director, Administrative Law Division

NOTICE TO PARTIES

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this Initial Order to file a *Petition for Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-610(7)(b). WAC 480-07-610(7)(c) states that any party may file a *Response* to a Petition for review within seven (7) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

RCW 80.01.060(3) provides that an Initial Order will become final without further Commission action if no party seeks administrative review of the Initial Order and if the Commission fails to exercise administrative review on its own motion.

Any Petition or Response must be electronically filed through the Commission's web portal as required by WAC 480-07-140(5). Any Petition or Response filed must also be electronically served on each party of record as required by WAC 480-07-140(1)(b).