

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of

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

2022 Power Cost Adjustment Mechanism
Annual Report

Docket UE-230482

PACIFICORP’S MOTION TO
ALLOW SUPPLEMENTAL
REBUTTAL TESTIMONY

I. INTRODUCTION

1 Consistent with Wash. Admin. Code 480-07-375(1)(d) and 480-07-460(1)(a)(i) PacifiCorp d/b/a Pacific Power & Light Company (PacifiCorp or Company) respectfully requests leave to supplement the rebuttal testimony originally filed on May 2, 2024, with the Supplemental Rebuttal Testimony of Douglas R. Staples. In cross-answering testimony filed by the Public Counsel Unit of the Attorney General’s Office (Public Counsel), a new recommendation with new supporting analysis was presented for the first time. PacifiCorp now requests leave to provide the attached Supplemental Rebuttal Testimony of Douglas R. Staples so that it may respond to the new issues raised by Public Counsel.

II. FACTUAL BACKGROUND

2 On June 15, 2023, PacifiCorp filed the Company’s annual Power Cost Adjustment Mechanism (PCAM) filing to true-up incurred power costs for calendar year 2022. On October 10, 2023, the Alliance of Western Energy Consumers (AWEC) filed a petition requesting adjudication of this proceeding. On November 22, 2023, the Commission granted AWEC’s petition for adjudication and set this proceeding for hearing. After a prehearing conference on January 9, 2024, the Commission issued a

prehearing conference order setting a schedule for pre-filed testimony.¹ This prehearing conference order set the date for response testimony from Staff and Public Counsel on March 28, 2024, and cross-answering testimony and rebuttal testimony for May 2, 2024. Public Counsel filed cross-answering testimony on May 2, 2024. Public Counsel’s cross-answering testimony presents a new alternative recommendation to disallow \$47,114,112 of PacifiCorp’s PCAM balance.² This new recommendation is supported by new analysis that Public Counsel witness Robert L. Earle introduces for the first time within cross-answering testimony.

III. PACIFIC POWER’S MOTION

3 Under Wash. Admin. 480-07-460(1)(a)(i) a party may request leave to add to the evidentiary record in a proceeding and file substantive changes to its testimony. PacifiCorp now requests leave of the Commission to allow the filing of supplemental rebuttal testimony in this proceeding so that the Company may respond to the completely new proposal and analysis from Public Counsel in its cross-answering testimony.

4 When a party wishes to make “substantive changes” to its testimony or exhibits, the party must seek leave from the presiding officer before filing such revisions.³ The party must file its motion to revise as soon as practicable after discovering the need to make the substantive changes.⁴ When evaluating a motion for leave to revise testimony, the Commission has emphasized consideration of the timing of the party’s motion compared to the overall procedural schedule. In particular, the Commission considers

¹ Order 03, Prehearing Conference Order, Notice of Hearing (Jan. 23, 2024).

² Cross-Answering Testimony of Robert L. Earle, Exhibit RLE-7CT at 4:3-8 (May 2, 2024).

³ WAC 480-07-460(1)(a)(i).

⁴ WAC 480-07-460(1)(b).

whether there is sufficient time for other parties to review the revised testimony and exhibits and provide a response as necessary.⁵

5 In its cross-answering testimony, Public Counsel provides a completely new alternative recommendation for the Commission to consider⁶ and based this new recommendation on completely new analysis and arguments regarding the Company's requested PCAM recovery.⁷ This testimony goes beyond the scope of cross-answering testimony as it does not merely respond to testimony filed by AWEC, but takes AWEC's recommendation, makes significant changes to that analysis, and presents a completely new and different recommendation to the Commission.⁸

6 PacifiCorp requests the ability to respond to this new analysis and recommendation to ensure that the Company's rights as the petitioner with the burden of proof are respected. Additionally, PacifiCorp is providing this testimony in an exceptionally expedited fashion, consistent with the Commission's requirements and without unduly harming the rights of any other party in this proceeding.

7 PacifiCorp is filing this motion as soon as practicable by providing this supplemental rebuttal testimony within five business days of the filing of Public Counsel's cross-answering testimony. Additionally, this testimony endeavors to be as concise and limited as possible by responding to only the new analysis presented in Public Counsel's cross-answering testimony.

⁵ See *WUTC v. Cascade Natural Gas Corp.*, Docket No. UG-210755, Order 04 at ¶ 7 (Dec. 17, 2021) (granting Cascade's motion for leave to file revised testimony because the motion was filed well in advance of the deadline for other parties to file responsive testimony).

⁶ Exhibit RLE-7CT at 4:3-8 (Providing a completely new recommendation of a disallowance of \$47,114,112).

⁷ Exhibit RLE-7CT at 7-9:5-2 (Detailing a new analysis that presents new issues, supported by new workpapers in support of the new recommendation).

⁸ Exhibit RLE-7CT at 6:13-16 (identifying that AWEC's recommendation is too low and presenting a new recommendation).

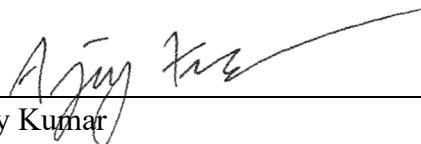
8 Moreover, the provision of this supplemental Company testimony will not harm the procedural schedule nor the right of any other party to review this testimony. Based on the existing schedule, this is supplemental rebuttal testimony, so Staff, Public Counsel, and AWEC would not normally have the ability to file responsive testimony. However, they will have the ability to request discovery and to cross-examine Company witness Staples at hearing. Those rights remain intact. The deadline for discovery is May 21, 2024, and with a seven-calendar day turnaround on discovery, parties may still conduct up to two rounds of discovery on the supplemental rebuttal testimony that is attached to this motion. PacifiCorp is not presenting a new witness, Mr. Staples has previously filed rebuttal testimony, and parties will have the ability to cross-examine him at hearing. This motion and attached testimony comply with the requirements of WAC 480-07-460(1) and the Commission’s past precedent, because the testimony was filed as soon as practicable and does not prejudice any party’s right to review and conduct discovery on this supplemental rebuttal testimony.

9 Finally, both the public interest and the interests of efficient judicial administration are served by allowing the filing of this supplemental rebuttal testimony. Providing this testimony in advance of the hearings allows it to be reviewed by the Commissioners so that there may be a more efficient hearing and a more complete evidentiary record upon which to review the Company’s request.

IV. CONCLUSION

10 For the reasons identified in this Motion, PacifiCorp respectfully requests that the Company’s request for leave to file supplemental rebuttal testimony be granted, and that the Supplemental Rebuttal Testimony of Douglas R. Staples be considered in the same manner as the rest of PacifiCorp’s pre-filed testimony in this proceeding.

Respectfully submitted this 9th day of May, 2024.

A handwritten signature in black ink, appearing to read "Ajay Kumar", is written over a horizontal line.

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