

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	
TRANSPORTATION COMMISSION,)	DOCKET UE-151148
)	
Complainant,)	ORDER 02
)	
v.)	PREHEARING CONFERENCE
)	ORDER; NOTICE OF
AVISTA CORPORATION, DBA)	TELEPHONIC STATUS
AVISTA UTILITIES,)	CONFERENCE
)	(Set for October 15, 2015)
Respondent.)	
)	
.....)	

1 **NATURE OF PROCEEDING.** On May 29, 2015, Avista Corporation d/b/a Avista Utilities (Avista or Company) filed revisions to its electric demand side management tariff, Schedule 91. The tariff revision updates rates for the recovery of conservation program expenditures, and. reflect a true up of the previous year’s expenditures and collections. The Commission suspended operation of the tariffs on July 30, 2015, by Order 01 entered in this docket.

2 **CONFERENCE.** The Commission convened a prehearing conference in these dockets at Olympia, Washington, on September 21, 2015, before Administrative Law Judge (ALJ) Marguerite E. Friedlander.

3 **PARTY REPRESENTATIVES.** David J. Meyer, Vice President and Chief Counsel for Regulatory and Governmental Affairs, Spokane, Washington, represents Avista. Simon J. ffitch, Senior Assistant Attorney General, Seattle, Washington, represents the Public Counsel Division of the Washington State Attorney General’s Office (Public Counsel). Patrick J. Oshie, Assistant Attorney General, Olympia, Washington, represents the Commission’s regulatory staff (Staff).¹

¹ 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 this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See*, RCW 34.05.455.

4 Jesse E. Cowell, Davison Van Cleve, P.C., Portland, Oregon, represents the Industrial Customers of Northwest Utilities (ICNU). Contact information provided at the conference for the parties' representatives is attached as Appendix A to this order.

5 **PETITION FOR INTERVENTION.** ICNU filed a petition to intervene on August 11, 2015. ICNU stated that “[i]n particular, ICNU is concerned that Schedule 25 customers may be contributing far more to Schedule 91 than could be justified by DSM benefits received.”² While Avista did not object to ICNU’s participation in the docket, the Company cautioned against expanding the scope of the proceeding to encompass ICNU’s concerns. Public Counsel noted, and the other parties agreed, that the advisory group is typically where these concerns are raised prior to being brought before the Commission if the concerns are not resolved in the group. After enthusiastic questioning from the bench, the Commission granted ICNU’s petition to intervene, limited to the issues addressed in the Commission’s Complaint and Order Suspending Tariff Revision, Order 01, entered on July 30, 2015.

6 **PROTECTIVE ORDER.** Avista requested that the Commission enter a protective order in this docket under RCW 34.05.446, RCW 80.04.095, WAC 480-07-420 and WAC 480-07-423 to protect the confidentiality of proprietary information. The request was granted and a standard protective order will be entered in this docket.

7 **DISCOVERY.** Discovery will continue pursuant to the Commission’s discovery rules, WAC 480-07-400 – 425. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution.

8 **PROCEDURAL SCHEDULE.** The parties and the Commission agreed that the ongoing efforts to settle the underlying disputes should continue, and an informal status conference should be held telephonically on October 15, 2015, at 10:30 a.m. Avista will provide the parties and the ALJ with a telephone conferencing number at least 24 hours in advance of the status conference. At the appointed time, the parties will apprise the Commission of the settlement negotiation’s progress. If any issues are left unresolved at that time, the parties will propose a procedural schedule for continued adjudications.

² ICNU’s Petition to Intervene, ¶ 5.

- 9 **NOTICE OF STATUS CONFERENCE.** The Commission will hold an informal telephonic status conference on **October 15, 2015, at 10:30 a.m.** The Company will provide the parties and the ALJ with a telephone conferencing number at least 24 hours prior to the status conference. Parties should call into the conference prepared to update the Commission on settlement discussions and, if any issues are left unresolved, should have a proposed procedural schedule for the remaining adjudication of those issues.
- 10 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an original plus **6** copies of all pleadings, motions, briefs, and other prefiled materials. These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.
- 11 All filings must be mailed or delivered to the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 12 An electronic copy of all filings must be provided through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail delivery to records@utc.wa.gov. Alternatively, parties may furnish an electronic copy by delivering with each filing a CD or flash drive including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.
- 13 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Parties may submit documents electronically to the Commission by 3:00 p.m. on the filing deadline to expedite the filing process, but must file an original, plus **6** paper copies, of the documents with the Commission by 12:00 noon on the first business day following the filing deadline established in the procedural schedule. WAC 480-07-145(6). Parties may submit documents electronically through the Commission's Web Portal (www.utc.wa.gov/efiling) or by e-mail to records@utc.wa.gov. Finally, to perfect filing, parties must simultaneously provide e-mail courtesy copies of filings to the presiding administrative law judge as well as to the parties to the proceeding.

- 14 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1355.
- 15 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective September 25, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. FRIEDLANDER
Administrative Law Judge

APPENDIX A

**PARTIES' REPRESENTATIVES
DOCKET UE-151148**

PARTY	REPRESENTATIVE	PHONE	E-MAIL
Avista	Kelly O. Norwood VP, State & Federal Regulation 1411 E. Mission Avenue, MSC-27 P.O. Box 3727 Spokane, WA 99220-3727	509-495-4267	kelly.norwood@avistacorp.com
	David J. Meyer, Esq. VP and Chief Counsel for Regulatory and Governmental Affairs 1411 E. Mission Avenue, MSC-27 P.O. Box 3727 Spokane, WA 99220-3727	509-495-4316	david.meyer@avistacorp.com
	Patrick Ehrbar	509-495-8620	patrick.ehrbar@avistacorp.com
	Linda Gervais	509-495-4975	Linda.gervais@avistacorp.com
	Docket Server		avistadockets@avistacorp.com
Commission Staff	Patrick Oshie Assistant Attorney General 1400 S. Evergreen Park Dr. SW P.O. Box 40128 Olympia, WA 98504-0128	360-664-1188	poshie@utc.wa.gov
	Bradley Cebulko Regulatory Analyst	360-664-1309	bcebulko@utc.wa.gov
	Krista Gross Legal Assistant	360-664-1194	kgross@utc.wa.gov
	Betsy DeMarco Legal Assistant	360-664-1191	bdemarco@utc.wa.gov

PARTY	REPRESENTATIVE	PHONE	E-MAIL
Public Counsel	Simon ffitc Senior Assistant Attorney General Public Counsel Section Office of Attorney General 800 5th Avenue, Suite 2000 Mail Stop TB-14 Seattle, WA 98104-3188	206-389-2055	simonf@atg.wa.gov
	Mary M. Kimball Senior Analyst	206-389-2544	maryk2@atg.wa.gov
	Chanda Mak	206-389-3972	chandam@atg.wa.gov
Industrial Customers of Northwest Utilities (ICNU)	ICNU 818 SW 3 rd Avenue #266 Portland, OR 97204		
	Melinda J. Davison Davison Van Cleve, P.C. 333 SW Taylor, Suite 400 Portland, OR 97204	503-241-7242	mjd@dvclaw.com
	Jesse E. Cowell Davison Van Cleve, P.C.	503-241-7242	jec@dvclaw.com
	Bradley Mullins	503-954-2852	brmullins@mwanalytics.com
	Rainbow Wainright		row@dvclaw.com