

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DOCKET NO. U-170970

EXH. DH-4

DAVID HAWKINS

WASHINGTON AND NORTHERN IDAHO DISTRICT COUNCIL OF LABORERS

AVISTA CORP.
RESPONSE TO REQUEST FOR INFORMATION

JURISDICTION:	WASHINGTON	DATE PREPARED:	2/16/2018
CASE NO.:	U-170970	WITNESS:	Mark Thies
REQUESTER:	WNIDCL	RESPONDER:	Annette Brandon
TYPE:	Data Request	DEPT:	State & Federal Regulation
REQUEST NO.:	WNIDCL – 005(AVA)	TELEPHONE:	(509) 495-4324
	Revised	EMAIL:	Annette.brandon@avistacorp.com

REQUEST:

Provide copies of all Documents prepared by or for Avista that include information concerning the number of contractor employees, full time equivalent positions (“FTE”), total labor hours, or any other data that details, by occupation, the number of Contractor Personnel employed on maintenance, capital, reliability, or other Washington construction projects from 2014 to present (by year).

REVISED RESPONSE:

The Company does not track the total labor hours nor the number of contractor employees working on maintenance, capital, reliability, or other projects. The Company also does not track the compensation and benefits for contractor employees by occupation, as that goes beyond the purview of the independent contractor relationship.

On contracts that provide for services to be provided on a time and materials basis, the contractor is required to provide a labor rate sheet, an example of which is included in the materials provided in response to WNIDCL_DR_003(AVA). This is primarily used to ensure that costs associated with change orders are appropriate and to reconcile potential invoicing issues.

For contracts that are invoiced on a time and materials basis, the contractor is required to provide supporting documentation for the time and materials charged to the Company. With more than 2,500 active contractor agreements across its service territory, attempting to produce all such records would be unduly burdensome.

The Company also maintains, as a part of its standard contract provisions, the ability to audit a specific contractor to verify compliance with, among other things, any wage and benefits requirements that might be applicable under the contract.

RESPONSE:

Avista objects to WNIDCL DR 005(AVA). The WUTC granted WNIDCL’s intervention on a limited basis:

WNIDCL’s participation should be confined solely to matters specifically addressing the safety and reliability of service to customers where its members are actually involved in the provision of such service. As with IBEW’s role in Docket UT-090842, we similarly limit WNIDCL here. Therefore, we expressly decline to consider in this proceeding any labor relations matters, including the interests that WNIDCL identified in its initial Petition related to rates of pay, benefit packages, and employment conditions for construction workers. We condition WNIDCL’s grant of intervention accordingly.

Washington Utilities and Transportation Commission v. Avista Corp. d/b/a Avista Utilities, WUTC Dkt. No. U-170970, Order 03, ¶ 17 (Nov. 20, 2017) (Accepting Interlocutory Review of Order 02 and Granting Intervention of Washington and Northern Idaho District Council of Laborers).

WNIDCL DR 005(AVA) is overly broad, unduly burdensome, and will not lead to the production of admissible evidence because WNIDCL DR 005(AVA) seeks information for all of Avista's contracts not just WNIDCL of Contractor Personnel. WNIDCL's intervention is limited to addressing the safety and reliability of service to customers where WNIDCL's members are actually involved with the provision of such service in Washington.

Avista does not directly contract with WNIDCL members for services and does not have access to records where other Contractors employ WNIDCL members.