

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND	)	DOCKET PG-082253
TRANSPORTATION COMMISSION,)	
	)	ORDER 01
Complainant,)	
	)	PREHEARING CONFERENCE
v.	)	ORDER
)	
AVISTA CORPORATION, d/b/a	)	NOTICE OF PREHEARING
AVISTA UTILITIES,	)	CONFERENCE
	)	(Set for April 5, 2011, 1:30 p.m.)
Respondent.)	
	)	NOTICE OF HEARING
	)	(Set for April 12-13, 2011,
.....	)	9:30 a.m.)

1 **PROCEEDING:** This is a complaint proceeding initiated by the Washington Utilities and Transportation Commission (Commission) against Avista Corporation, d/b/a Avista Utilities (Avista) alleging that Avista committed various violations of statute and rules governing the operation of system for transporting natural gas. The specific matters about which the Commission complains are set forth fully in the Complaint, issued on June 8, 2010. Avista filed an Answer on June 25, 2010.

2 **PREHEARING CONFERENCE.** The Commission convened a prehearing conference in this proceeding at Olympia, Washington on July 15, 2010, before Administrative Law Judge Marguerite E. Friedlander.

3 **PARTY REPRESENTATIVES:** Donald T. Trotter, Assistant Attorney General, Olympia, Washington, appeared at the conference for the Commission’s regulatory staff (Commission Staff or Staff).¹ David J. Meyer, Vice President and Chief

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

Counsel for Regulatory and Governmental Affairs, Spokane, Washington, appeared on behalf of Avista. Tom Cordell, attorney at law, Moses Lake, Washington, represents Roger Reyes and Cassandra McClure.

4 **PETITION TO INTERVENE.** At the prehearing conference, Tom Cordell, attorney for two persons injured in the natural gas explosion that is the subject of the Complaint, orally petitioned the Commission to intervene on behalf of his clients. Neither Staff nor Avista objected to Mr. Cordell's request. Given their injuries, Mr. Cordell's clients have a substantial interest in the proceedings. Mr. Cordell's request is granted.

5 **PROTECTIVE ORDER.** The Commission will not enter a protective order at this time. If the need for such an order becomes apparent, any party may request one at that time.

6 **DISCOVERY.** Discovery will be conducted 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.

7 **PROCEDURAL SCHEDULE.** The parties had preliminary discussions prior to the prehearing conference regarding the procedural schedule, and proposed a schedule during the conference.

8 The Commission adopts this procedural schedule, which is listed below and attached to this Order as Appendix B.

Direct testimony and exhibits
due from Staff

December 15, 2010

Direct testimony and exhibits
due from Intervenor

January 14, 2011

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.*

Responsive testimony and exhibits due from Avista	February 7, 2011
Rebuttal testimony and exhibits due from Staff	March 7, 2011
Prehearing conference to mark exhibits	April 5, 2011
Evidentiary hearing	April 12-13, 2011
Post hearing briefs due	May 3, 2011

9 **NOTICE OF PREHEARING CONFERENCE.** The Commission will convene a prehearing conference in this matter on April 5, 2011, at 1:30 p.m., in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, to mark exhibits, including exhibits on cross examination, if any, and to address any procedural matters that the parties may present. If no matters warrant attention, the conference will be cancelled.

10 **NOTICE OF HEARING.** The Commission schedules a hearing in this matter, to commence on Tuesday, April 12, 2011, at 9:30 a.m., in Room 206, the Richard Hemstad Building, 1300 S. Evergreen Park Drive SW, Olympia, Washington. The hearing shall continue, if necessary, and conclude on Wednesday, April 13, 2011, in the same location.

11 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file the original plus **four (4) 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.

- 12 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.
- 13 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 3.5-inch IBM-formatted high-density diskette or CD 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.
- 14 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Electronic versions of all documents must be filed in accordance with WAC 480-07-140(6). Specifically, all documents must be filed in .pdf (Adobe Acrobat) format, supplemented by a separate file in .doc (MS Word), .wpd (WordPerfect), .xls (Excel), or .ppt (Power Point) format.
- 15 A 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 3.5-inch IBM-formatted high-density diskette or CD 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.
- 16 According to WAC 480-07-145(6), the parties may electronically submit documents to the Commission provided the electronic submission is received by 3:00 pm on the filing deadline and the Commission receives the original and required number of copies by 12:00 pm on the following business day. Parties must submit documents through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail to records@utc.wa.gov and file an original plus **four (4)** paper copies of the documents with the Commission by the following business day. Parties must provide courtesy

copies of their electronic submissions to the presiding administrative law judge at mfriedla@utc.wa.gov and to the parties to the proceeding.

- 17 **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 360-664-1144.
- 18 **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 July 20, 2010.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

MARGUERITE E. FRIEDLANDER
Administrative Law Judge

APPENDIX A

**PARTIES' REPRESENTATIVES
DOCKET PG-082253**

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Staff	Donald T. Trotter Assistant Attorney General 1400 S. Evergreen Park Drive S.W. P.O. Box 40128 Olympia, WA 98504-0128	360-664-1189	360-586-5522	DTrotter@utc.wa.gov
Avista	David J. Meyer VP and Chief Counsel for Regulatory and Governmental Affairs 1411 E. Mission Avenue P.O. Box 3727 Spokane, WA 99220-3727	509-495-4316	509-495-8851	David.Meyer@avistacorp.com
Mr. Reyes and Ms. McClure	Tom Cordell 1430 E. Hunter Place P.O. Box 1547 Moses Lake, WA 98837	509-765-1226	509-766-2376	TomCordell2004@yahoo.com
Administrative Law Judge	Marguerite E. Friedlander 1300 S. Evergreen Park Dr. SW P.O. Box 47250 Olympia, WA 98504-7250	360-664-1285	N/A	mfriedla@utc.wa.gov

APPENDIX B

**PROCEDURAL SCHEDULE
DOCKET PG-082253**

EVENT	DATE
Commission Staff Direct Testimony and Exhibits	Wednesday, December 15, 2010
Intervenor Direct Testimony and Exhibits	Friday, January 14, 2011
Avista Responsive Testimony and Exhibits	Monday, February 7, 2011
Commission Staff Rebuttal Testimony and Exhibits	Tuesday, March 7, 2011
Prehearing Conference to Mark Exhibits	Tuesday, April 5, 2011
Evidentiary Hearing	April 12-13, 2011, as needed
Simultaneous Post-Hearing Briefs	Tuesday, May 3, 2011