



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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May 21, 2021

NOTICE OF DATE FOR ENTRY OF DECLARATORY ORDER

And

**NOTICE OF OPPORTUNITY TO RESPOND TO THE CITY OF
SPOKANE'S REPLY**

(By Friday, June 4, 2021, at 5 p.m.)

RE: *In the Matter of the Petition of City of Spokane for an Order Declaring that the City of Spokane Waste to Energy Facility is not "Baseload Electric Generation" Under RCW 80.80.010(4) and WAC 480-100-405(2)(a), Docket UE-210247*

TO ALL INTERESTED PERSONS:

On April 15, 2021, the City of Spokane (City) filed with the Washington Utilities and Transportation Commission (Commission) a Petition for Declaratory Order (Petition), which was assigned Docket UE-210247.

On April 20, 2021, the Commission issued a Notice of Opportunity to Respond to Petition for Declaratory Order requiring interested persons to file any response by May 10, 2021.

On May 7, 2021, Commission staff (Staff) filed a response, and on May 10, 2021, the Northwest Energy Coalition (NWECC) filed a response. The Commission received no other responses to the Petition.

On May 14, 2021, the City filed a response to Staff's and NWECC's comments. Although Washington Administrative Code 480-07-930 neither permits nor prohibits petitioners from responding to comments filed by interested persons, neither Staff nor NWECC has filed a motion for leave to reply to, or to strike, the City's response. Accordingly, we exercise our discretion to allow Staff and NWECC to file replies to the City's response by June 4, 2021, to ensure all parties are afforded adequate due process. The City may not file an additional response to any such replies.

By statute and Commission rule, the Commission must take one of four specified actions within 30 days of receiving a petition for declaratory order.¹ One such action is to set a specified time within 90 days of the date the petition was filed by which the Commission will enter a declaratory order.² The Commission may extend that time for good cause.³

By this notice, we set a date by which the Commission will enter a declaratory order in this Docket. To provide Staff and NWEA with adequate time to reply to the City's responsive comments, we extend the date by which the Commission will enter a declaratory order by 15 days, until July 29, 2021. Providing Staff and NWEA with an opportunity to respond in order to ensure adequate due process constitutes good cause for extending the deadline.

THE COMMISSION GIVES NOTICE That Staff and NWEA may respond to the City's response to their comments by filing a written reply with the Commission no later than Friday, June 4, 2021, at 5 p.m.

THE COMMISSION GIVES FURTHER NOTICE That it will enter a declaratory order in response to the Petition no later than Thursday, July 29, 2021.

/s/ Rayne Pearson

RAYNE PEARSON

Director, Administrative Law Division

¹ RCW 34.05.240(5); WAC 480-07-930(5).

² RCW 34.05.240(5)(c); WAC 480-07-930(5)(c).

³ RCW 34.05.240(6); WAC 480-07-930(6).