

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

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

AVISTA CORPORATION d/b/a
AVISTA UTILITIES,

Respondent.

DOCKET NO. UE-080416

and

DOCKET NO. UG-080417
(consolidated)

PUBLIC COUNSEL AND ICNU
MOTION FOR EXTENSION OF
TIME TO FILE RESPONSE TO
BENCH REQUEST NO. 4 OR IN
THE ALTERNATIVE TO ACCEPT
LATE FILING

1. Pursuant to WAC 480-07-375(1)(b) and 385, Public Counsel and ICNU (joint movants) respectfully file this motion for an extension of time to file their response to Bench Request No. 4, or, in the alternative, requesting the Commission to accept late filing of the response.
2. Bench Request No. 4 was issued on November 10, 2008, with a due date of November 14, 2008. The bench request addresses Exhibit No. CWK-4, Schedule 4, an exhibit prepared by Public Counsel/ICNU witness Charles King. Mr. King had surgery on Tuesday, November 11, and is to be released from hospital on November 13 or 14. He is expected to return to the office on Monday, November 17. Other staff in Mr. King's office initially attempted to prepare a response to Bench Request No. 4 but notified Public Counsel on November 13 that they could not complete the response by November 14 without Mr. King's assistance.

3. Public Counsel provided preliminary notification of the situation to the bench and parties via e-mail on November 13 and sought further clarification from Mr King’s office as to when a response could be provided. Mr. King’s office has advised it believes a response can be provided to Public Counsel and ICNU by Tuesday, November 18. Because there is some uncertainty remaining about Mr. King’s schedule, however, joint movants will request that the extended due date be set for Wednesday, November 19, 2008.

4. Public Counsel and ICNU respectfully submit that the foregoing circumstances establish good cause that has prevented a request for extension within the timelines in WAC 480-07-385(3). Joint movants, therefore, request that the Commission consider the extension request pursuant to WAC 480-07-385(3)(c). Joint movants believe that the foregoing facts also establish good cause for an extension of time or for acceptance of late filing. Public Counsel is not aware of any prejudice that will result to parties or the Commission as a result of this request. The requested new response date falls in advance of the due date for the parties’ briefs, November 24, 2008.

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5. Public Counsel and ICNU, therefore, request that the deadline for filing the response to Bench Request No. 4 be extended until Wednesday, November 19, 2008, or, in the alternative, that a late filing of the response be accepted on or before that date.

DATED this 14th day of November, 2008.

Respectfully submitted,

ROBERT M. McKENNA
Attorney General

Simon J. ffitch
Senior Assistant Attorney General
Public Counsel

INDUSTRIAL CUSTOMERS OF
NORTHWEST UTILITIES

Irion Sanger
Counsel for ICNU