

BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND	)	
TRANSPORTATION COMMISSION,	)	DOCKET NO. UE-050482
	)	and
Complainant,	)	DOCKET NO. UG-050483
	)	(Consolidated)
v.	)	
	)	ORDER NO. 01
AVISTA CORPORATION d/b/a	)	
AVISTA UTILITIES,	)	
	)	PREHEARING CONFERENCE
Respondent.	)	
.....	)	

1     **PROCEEDINGS:** On March 30, 2005, Avista Corporation d/b/a Avista Utilities (Avista or the Company) filed certain tariff revisions to its currently effective Tariff WNU-28 and Tariff WN U-29 designed to effect a general rate increase in its electric service (UE-050482) and gas service (UG-050483) in Washington. The proposed revisions provide for general rate increases of 11.4 percent for the electric tariffs and 1.7 percent for the gas tariffs. The Commission, by Order No. 01, suspended the operation of the general tariff revisions and consolidated the dockets for hearing.

2     **PARTY REPRESENTATIVES:** David J. Meyer, Avista VP and Chief Counsel, Spokane, Washington, represents the Company. Edward A. Finklea and Chad M. Stokes, Cable Huston Benedict Haagensen & Lloyd LLP, Portland, Oregon, represent Northwest Industrial Gas Users (NWIGU). S. Bradley Van Cleve and Matthew W. Perkins, Davison Van Cleve P. C., Portland, Oregon, represent Industrial Customers of Northwest Utilities (ICNU). Ronald L. Roseman, attorney, Seattle, Washington, represents the Energy Project. Simon J. ffitich, Assistant Attorney General, Seattle, Washington, represents the Public Counsel Section of the Washington Office of Attorney General. Gregory J. Trautman and

Christopher Swanson, Assistant Attorneys General, Olympia, Washington, represent the Commission's regulatory staff ("Commission Staff or Staff").<sup>1</sup> Contact information provided at the conference for the parties' representatives is attached as Appendix A to this Order.

3 **PETITIONS TO INTERVENE.** The following persons filed petitions to intervene or petitioned orally at the prehearing conference for intervenor status:

1. Northwest Industrial Gas Users
2. Industrial Customers of Northwest Utilities
3. Energy Project<sup>2</sup> (petitioned orally).

No objection was heard to any of these petitions. The Commission finds that each of these petitioners has established a substantial interest in this proceeding and that their participation will be in the public interest. These petitions to intervene are granted.

4 **DISCOVERY; PROTECTIVE ORDER:** The parties initiated discovery prior to the prehearing conference. Discovery will continue pursuant to the Commission's discovery rules, WAC 480-07-400—425. The Commission urges the parties to continue to work cooperatively together to avoid having to bring discovery matters forward for formal resolution.

5 Avista requests that the Commission enter its standard form of protective order with provisions for handling information and documents that parties may

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<sup>1</sup> In formal proceedings, such as this case, the Commission's regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as any other party to the proceeding. There is an "*ex parte* wall" separating the Commissioners, the presiding ALJ, and the Commissioners' policy and accounting advisors from all parties, including Staff. RCW 34.05.455.

<sup>2</sup> In this proceeding, the Energy Project represents Spokane Neighborhood Action Programs, North Columbia Community Action Council, Rural Resource Organization, and Community Action Center, Whitman County

designate as “confidential” consistent with the terms of such order and the Commission’s procedural rules. WAC 480-07-420 and -423. The Commission will enter a protective order in this proceeding to facilitate the filing and exchange among parties, during discovery and otherwise, of information that is deemed confidential by the party in whose custody and control the information is held.

6 **PROCEDURAL SCHEDULE:** The Commission establishes the procedural schedule that is attached to this Order as Appendix B, which is incorporated into the body of this Order by this reference.

7 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. The parties in this proceeding have scheduled settlement conferences within the procedural schedule. If parties need the services of a settlement judge, please call the Director, Administrative Law Division, at 360-664-1142.

8 **FILING; COPIES OF MATERIALS:** Parties must submit an original and 16 copies of all documents filed. All paper copies of filed documents must be mailed to the Commission Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250, or delivered by hand to the Commission’s Records Center at the agency’s physical address. Both the post office box and street address are required to expedite deliveries by U.S. Postal Service.

9 Paper copies of filed materials are required to conform to the format and publication guidelines set forth in WAC 480-07-395 and 480-07-460, and must 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.

- 10 An electronic copy of all filings is required. Electronic copies may be provided by e-mail delivery to <[records@wutc.wa.gov](mailto:records@wutc.wa.gov)>. Alternatively, Parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette including the filed document(s).
- 11 The Commission prefers that parties furnish electronic copies of all filings that do not include confidential information and unredacted versions of documents that do include confidential information in .pdf (Adobe Acrobat) format, supplemented by a separate file in MS Word 6.0 (or later), or WordPerfect 5.1 (or later) format. **Electronic documents that are redacted versions that mask confidential information, should be filed exclusively in "read-only" .pdf format.** Parties are required to organize and identify electronic files as specified in WAC 480-07-140(5).
- 12 **NOTICE TO PARTIES: Any objection to the provisions of this Order must be filed within ten (10) days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

DATED at Olympia, Washington, and effective this 20th day of May, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

KAREN M. CAILLÉ  
Administrative Law Judge

DENNIS J. MOSS  
Administrative Law Judge

APPENDIX A

PARTIES' REPRESENTATIVES				
DOCKET NO. UE-050482 and UG-050483, consolidated				
PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Avista	David J. Meyer VP and Chief Counsel Avista Corporation 1411 E. Mission Avenue, MSC-13 P.O. Box 3727 Spokane, WA 99220-3727	509-495-4316	509-495-4361	<a href="mailto:david.meyer@avistacorp.com">david.meyer@avistacorp.com</a>
Northwest Industrial Gas Users (NWIGU)	Edward A. Finklea Chad M. Stokes Cable Huston Benedict Haagensen & Lloyd LLP 1001 SW 5th Avenue Suite 2000 Portland, OR 97204-1136	503-224-3092	503-224-3176	<a href="mailto:efinklea@chbh.com">efinklea@chbh.com</a> <a href="mailto:cstokes@chbh.com">cstokes@chbh.com</a>
Industrial Customers of Northwest Utilities (ICNU)	S. Bradley Van Cleve Matthew W. Perkins Davison Van Cleve, P.C. 333 S.W. Taylor, Suite 400 Portland, OR 97204	503-241-7242	503-241-8160	<a href="mailto:mail@dvclaw.com">mail@dvclaw.com</a>
Energy Project	Ronald L. Roseman 211 14 <sup>th</sup> Avenue East Seattle, WA 98112	206-324-8792	206-568-0138	<a href="mailto:ronaldroseman@comcast.net">ronaldroseman@comcast.net</a>
Public Counsel	Simon ffitich, Public Counsel Section Office of Attorney General 900 Fourth Avenue, Suite 2000 Seattle, WA 98164-1012	206-389-2055	206-389-2079	<a href="mailto:simonf@atg.wa.gov">simonf@atg.wa.gov</a>
Commission Regulatory Staff	Greg J. Trautman Chris Swanson Assistant Attorneys General 1400 S. Evergreen Park Dr. S.W. P.O. Box 40128 Olympia, WA 98504-0128	360-664-1187 360-664-1220	360-586-5522	<a href="mailto:gtrautma@wutc.wa.gov">gtrautma@wutc.wa.gov</a> <a href="mailto:cswanson@wutc.wa.gov">cswanson@wutc.wa.gov</a>

APPENDIX B

PROCEDURAL SCHEDULE

DOCKET NOS. UE-050482 and UG-050483 (consolidated)

EVENT	DATE	INTERVAL
Avista's Prefiled Direct Testimony	April 4, 2005	
Settlement Conferences	June 28 -30, 2005	
Staff, Public Counsel, and Intervenor Response Testimony	August 26, 2005	144 days
Avista Rebuttal Testimony and Cross Answering Testimony	September 22, 2005	27 days
Evidentiary Hearing	October 17-28, 2005	24 days
Public Comment Hearing	T/B/A	
Simultaneous Initial Briefs (Common Outline t/b/established)	November 23, 2005*	26 days
Simultaneous Short Answer Briefs (Limited to <u>seven</u> pages)	December 9, 2005*	16 days
Suspension Date	February 28, 2006	81 days

**\*Briefs must be submitted via e-mail by 12:00 noon to meet the Commission's internal distribution schedule and must be simultaneously provided in electronic format to all party representatives. Parties must initiate mail or courier delivery of originals and required copies by COB on the scheduled date.**