

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

Rulemaking to Make Corrections and
Changes in Rules in WAC 480-07, Relating
to Procedural Rules.

DOCKET A-130355

ELEVENTH COMMENTS OF PUBLIC COUNSEL

August 1, 2018

I. INTRODUCTION

1. Pursuant to the Commission's Notice of Opportunity to Submit Written Comments, dated July 2, 2018, Public Counsel submits the following comments regarding the draft procedural rules for WAC 480-07, Parts III B through IV.

II. WAC 480-07-505(1) GENERAL RATE PROCEEDING FILINGS – DEFINITION

2. The existing rule WAC 480-07-505(1) states that a general rate case (GRC) will be initiated by the Commission for rate increases with an overall impact to gross revenues of three percent or more (WAC 480-07-505(1)(a)) or, alternatively, if the new rates would increase gross revenue collected from any customer class by three percent or more (WAC 480-07-505(1)(b)). The draft rules delete subsection b entirely from this rule.
3. Public Counsel is concerned that deleting WAC 480-07-505(1)(b) could result in a situation in which a single rate class may be targeted for an increase larger than three percent but, so long as the total revenue increase is below three percent, that significant increase to the single rate class would not be subject to a GRC review. By circumventing a full GRC review, the proposed rates would not be scrutinized under the same level of procedural protections,

evidentiary requirements, and rights of discovery ordinarily provided through a GRC adjudication.

4. The Energy Project initially raised this issue in their comments submitted on December 1, 2017.¹ In response, Staff disagreed with The Energy Project's concerns and stated its belief that WAC 480-07-505(4) addresses the issue. Staff, however, did not provide any additional rationale for deleting the subsection nor any explanation of how the public interest would be better served by deleting this rule, which currently serves to protect individual rate classes from significant rate increases without adequate review.² WAC 480-07-505(4) states that the Commission may require that any filing or proposal by a regulated company to increase rates for any customer class, or to restructure rates, be subject to the same procedures and protections as required for GRCs. While the Commission has the discretion under WAC 480-07-505(4) to require GRC review for single class rate increases that would not otherwise trigger a GRC review under the proposed rules, the burden would be unfairly shifted to customers or intervenors to request that treatment.

5. Public Counsel, therefore, strongly recommends that WAC 480-07-505(1)(b) be reinstated in the rules in its entirety.

¹ Comments of The Energy Project (Dec. 1, 2017).

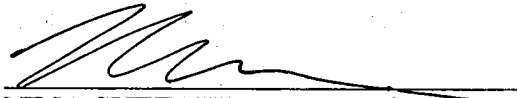
² See Notice of Opportunity to Submit Written Comments, Attachment: Matrix of 12-01-2017 Comments on GRC Revised Rules (Apr. 11, 2018).

III. CONCLUSION

6. Public Counsel appreciates the opportunity to submit these comments and the continued efforts to modernize the current rules. We look forward to reading the comments of other stakeholders and participating in workshops on these proposed rules.

Dated this 1st day of August 2018.

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