

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

In the Matter of the Petition of)	DOCKET NO. UG-051258
)	
Avista Corporation,)	ORDER NO. 01
)	
Petitioner,)	
)	
Seeking Exemption from the)	
Provisions of WAC 480-90-238)	
Relating to Timing of Filing the)	ORDER GRANTING
Least Cost Plan)	EXEMPTION FROM RULE
.....)	

BACKGROUND

- 1 On August 17, 2005, Avista Corporation (Avista or the Company) filed a petition requesting exemption from WAC 480-90-238.

- 2 WAC 480-90-238, requires gas companies to file least cost plan every two years.

- 3 Avista stated a three-month delay in the filing of the least cost plan (LCP) would better serve the Company’s stakeholder interests as some participants in the LCP process have requested a delay. This extension will allow the Company additional time to better collect and assemble information needed to satisfy all interested parties, and should result in a more robust LCP. It allows the Company to better align the LCP filing expectations in Avista’s three State service territory.

- 4 Commission Staff reviewed the request and recommended granting Avista’s request for exemption, subject to the following condition(s):
 - The Company’s 2006 LCP will be filed by March 31, 2006;
 - The Company will file its 2007 LCP by December 31, 2007;

- The requested exemption is applicable only to the 2006 LCP;
- The Company should resolve inter-state issues that could cause delays in the filing well before the start of the LCP preparation period; and
- All interested stakeholders and participants would be notified of the change in the filing date of the LCP.

FINDINGS AND CONCLUSIONS

- 5 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate rates, rules, regulations, practices, accounts, securities, and transfers of public service companies, including gas companies. *RCW 80.01.040; Chapter 80.04 RCW and Chapter 80.28 RCW.*
- 6 (2) Avista is engaged in the business of providing gas services within the state of Washington and is a public service company subject to the jurisdiction of the Commission under the provisions of Chapter 80.28 RCW.
- 7 (3) Avista is subject to the provisions of WAC 480-90-238, requiring gas companies to file least cost plan every two years.
- 8 (4) WAC 480-90-008 provides that the Commission may grant an exemption from the provisions of any rule in Chapter 480-90 WAC, if consistent with the public interest, the purposes underlying regulation and applicable statutes.
- 9 (5) This matter was brought before the Commission at its regularly scheduled meeting on August 31, 2005.

- 10 (6) After review of the petition filed in Docket UE-051258 by Avista on August 17, 2005, and giving due consideration, the Commission finds that the exemption is reasonable and should be granted.

ORDER

THE COMMISSION ORDERS:

- 11 (1) After the effective date of this Order, Avista Corporation is granted an exemption from WAC 480-90-238, filing the least cost plan every two years.
- 12 (2) This exemption is subject to the following condition(s).
- The Company's 2006 LCP will be filed by March 31, 2006;
 - The Company will file its 2007 LCP by December 31, 2007;
 - The requested exemption is applicable only to the 2006 LCP;
 - The Company should resolve inter-state issues that could cause delays in the filing well before the start of the LCP preparation period; and
 - All interested stakeholders and participants would be notified of the change in the filing date of the LCP.
- 13 (3) The Commission retains jurisdiction over the subject matter and Avista Corporation to effectuate the provisions of this Order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

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DATED at Olympia, Washington, and effective this 31st day of August, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary