

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

In the Matter of the Petition of)	DOCKET UG-110236
)	
AVISTA CORPORATION)	ORDER 01
)	
Petitioner,)	
)	
Seeking Exemption from the)	ORDER GRANTING
Provisions of WAC 480-90-275)	EXEMPTION FROM RULE;
Requiring Gas Companies to File the)	GRANTING ADDITIONAL TIME
2010 Fourth Quarter Results of)	TO FILE THE FOURTH
Operations Report by February 15,)	QUARTER RESULTS OF
2011)	OPERATIONS
.....)	

BACKGROUND

- 1 On February 2, 2011, Avista Corporation (Avista or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting exemption for an extension of time to file its fourth quarter Results of Operations report for 2010. WAC 480-90-275 requires companies to file the report by February 15 of every calendar year. Avista requests an extension of time in order to avoid having the results of operations report posted on the Commission’s website prior to the Company’s official fourth quarter and full-year earnings release and conference call to the ratings agencies on February 17, 2011. The Commission deems the Company’s request for an extension until February 28, 2011 an exemption from the rule.

- 2 An exemption from a rule may be granted if the exemption is in the public interest and consistent with the purposes underlying the rule. After reviewing Avista’s petition for an exemption, Commission Staff recommended granting the request to ensure that the Company does not release information prior to its scheduled conference call with rating agencies, provided that the company files the 2010 fourth quarter Results of Operations report by February 28, 2011.

FINDINGS AND CONCLUSIONS

- 3 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates,

rules, regulations, practices, accounts, securities, transfers of property and affiliated interests of public service companies, including gas companies. *RCW 80.01.040, RCW 80.04, RCW 80.08, RCW 80.12, RCW 80.16 and RCW 80.28.*

- 4 (2) Avista is a gas company and a public service company subject to Commission jurisdiction.
- 5 (3) Avista is subject to WAC 480-90-275, which requires gas companies to file a report of actual results for Washington operations within forty-five days of the end of each quarter.
- 6 (4) Under WAC 480-90-008, the Commission may grant an exemption from the provisions of any rule in WAC 480-90 if consistent with the public interest, the purposes underlying regulation and applicable statutes. *See also WAC 480-07-110.*
- 7 (5) This matter came before the Commission at its regularly scheduled meeting on February 10, 2011.
- 8 (6) After reviewing the petition Avista filed in Docket UG-110236 on February 2, 2011, and giving due consideration, the Commission finds that the exemption is in the public interest and is consistent with the purposes underlying the regulation and applicable statutes and should be granted.

ORDER

THE COMMISSION ORDERS:

- 9 (1) The request by Avista Corporation for an exemption from WAC 480-90-275 and for an extension until February 28, 2011, to file its fourth quarter results of operations report for 2010, is granted.
- 10 (2) Failure by Avista Corporation to file its 2010 fourth Quarter Results of Operations report by February 28, 2011, may result in the Commission invoking RCW 80.04.405, which allows the Commission to assess penalties for violations of statute, rule and Commission orders.

- 11 (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.

DATED at Olympia, Washington, and effective February 10, 2011.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary