

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

PACIFICORP d/b/a PACIFIC POWER  
& LIGHT COMPANY,

Respondent.

**Docket No. UE-130043**

**PACIFICORP'S MOTION TO  
WITHDRAW TARIFF FILING**

**RELIEF REQUESTED**

- 1 Under WAC 480-07-375,<sup>1</sup> PacifiCorp d/b/a Pacific Power & Light Company (PacifiCorp or Company), moves the Washington Utilities and Transportation Commission (Commission) for an order approving the withdrawal of PacifiCorp's proposed revisions to Schedule 300, *Charges as Defined by the Rules and Regulations*, and Rule 6, *General Rules and Regulations*, allowing conforming changes to the Company's initial filing in this docket, and terminating further litigation related to Schedule 300 and Rule 6 in this case. The Company proposes withdrawing these tariff revisions so it can gather additional data and analysis demonstrating the actual costs of Schedule 300/Rule 6 services to inform and support future revisions to the tariffs.
- 2 The Company contacted the parties to determine their positions on this motion. The Energy Project supports the motion. Boise White Paper LLC is neutral on the motion as

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<sup>1</sup> WAC 480-07-380(3) specifically authorizes a party's motion to withdraw from a proceeding. On its face, the rule does not appear to apply to a motion to withdraw a tariff filing. If the rule is applicable to such a motion, however, then PacifiCorp also relies upon this authority.

long as PacifiCorp agrees to serve all parties to the rate case when it re-files these proposed revisions to Schedule 300 and Rule 6 in the future (a condition to which PacifiCorp agrees). At the time of filing, Commission Staff had not yet determined its position on the motion. Columbia Rural Electric Association (Columbia REA) is not taking a position on the motion at this time, pending its review of the filing. Public Counsel authorized PacifiCorp to state the following on its behalf:

Public Counsel is opposed to the changes the Company seeks to its current residential facilities removal charges, therefore, we do not object to the Company withdrawing its proposal to modify these changes. Public Counsel notes that Columbia [REA] has raised issues related to the Company's net removal tariff that appear to be appropriate for Commission review. Public Counsel would be supportive of this review occurring in a separate docket, if this were acceptable to other parties as well.

- 3 As discussed below, because the Commission limited the scope of Columbia REA's intervention in this proceeding to responding to PacifiCorp's proposed changes, PacifiCorp does not agree that it is appropriate for the additional issues raised by Columbia REA to continue to be considered in this case.
- 4 The Company seeks expedited resolution of this motion because, if the motion is granted, it will obviate the need for PacifiCorp's rebuttal testimony and the parties' cross-answering testimony on Schedule 300 and Rule 6. This testimony is due August 2, 2013. The Company also seeks a suspension of discovery related to Schedule 300 and Rule 6 pending resolution of this motion, including Columbia REA's Sixth and Seventh Set of Data Requests to PacifiCorp and Columbia REA's First Set of Data Requests to Staff.

#### **STATEMENTS OF FACT**

- 5 The Company's proposed revisions to Schedule 300 and Rule 6 relate to the costs charged to customers for permanent disconnection and removal of facilities or for

reconnection. Specifically, the Company proposed to replace the fixed Residential Service Removal Charge in Schedule 300 and instead charge customers actual costs for facilities removal. In addition, the Company proposed: (1) describing the calculation of the costs of permanent disconnection and removal of facilities; and (2) increasing reconnection fees. The Company also proposed to reflect these changes to Schedule 300 in Rule 6.<sup>2</sup>

6 On June 21, 2013, Staff, Public Counsel, the Energy Project, and Columbia REA filed testimony responding to the Company's proposed revisions to Schedule 300 and Rule 6. Staff generally supported the revisions, but proposed approaches to minimize their impact and controversy, including clarification of the tariff language and implementation of the reconnection charge increase on a gradual basis.<sup>3</sup> Public Counsel opposed the Schedule 300 and Rule 6 revisions because the changes were supported by PacifiCorp's estimates of the costs associated with disconnection and reconnection of service rather than actual cost data.<sup>4</sup> The Energy Project similarly questioned the Company's factual support for the Schedule 300 and Rule 6 changes and challenged the proposed increase in the reconnection service charge.<sup>5</sup>

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<sup>2</sup> The proposed revisions to Rule 6 consist of wording changes to Rule 6, Section I, Permanent Disconnection and Removal of Company Facilities, to reflect the changes the Company proposed to the Residential Service Removal Charge in Schedule 300. Specifically, the Company proposed to replace the reference to the Residential Service Removal Charge with a general reference to the removal charges listed in Schedule 300. The Company also proposed to make minor language changes to clarify how the Company calculates the actual removal costs that are billed to customers and to delete paragraph 5 of Section I.

<sup>3</sup> Mickelson, Exhibit No. \_\_\_ (CTM-1T): 42-43.

<sup>4</sup> Daeschel, Exhibit No. \_\_\_ (LD-1T): 1-2.

<sup>5</sup> Eberdt, Exhibit No. \_\_\_ (CME-1T): 6-15.

7 Columbia REA, which was permitted to intervene in this case for the limited purpose of addressing PacifiCorp's proposed revisions to Schedule 300 and Rule 6,<sup>6</sup> recommended that the Commission reject the Company's Schedule 300 revisions and maintain capped fees.<sup>7</sup> Among other reasons, Columbia REA objected to the revisions as not supported by actual cost data.<sup>8</sup> Columbia REA also recommended a series of alternative revisions to Schedule 300 and Rule 6 that are not directly related to PacifiCorp's proposed changes, including recommending new procedures for permanent disconnection and facilities removal.<sup>9</sup>

8 In direct response to testimony questioning the use of estimates rather than actual cost data, the Company proposes to withdraw its proposed tariff revisions and collect additional data on the actual costs of providing Schedule 300 services. To effectuate the withdrawal of the Schedule 300 and Rule 6 tariff revisions, the Company proposes to make the following changes to its initial filing in this docket:

- Withdraw Second Revision of Sheet No. 300.1 (Schedule 300 Charges as Defined by the Rules and Regulations), Second Revision of Sheet No. 300.2 (Schedule 300 Charges as Defined by the Rules and Regulations), Second Revision of Sheet No. R6.2 (Rule 6 Facilities on Customer's Premises), and First Revision of Sheet No. R6.3 (Rule 6 Facilities on Customer's Premises);
- Withdraw Exhibit No. \_\_\_ (BAC-1T) in its entirety;
- Delete the following line on page 1 of Exhibit No. \_\_\_ (JRS-2): "Schedule 300 Charges as Defined by the Rules and Regulations";
- Delete pages 22-25 of Exhibit No. \_\_\_ (JRS-2); and
- Delete page 7, lines 15-16 of Exhibit No. \_\_\_ (RPR-1T).

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<sup>6</sup> *Wash. Utils. & Transp. Comm'n v. PacifiCorp*, Docket UE-130043, Order 03 at ¶ 6 (Feb. 14, 2013).

<sup>7</sup> Teel, Peters, Scott, Exhibit No. \_\_\_ (PLT-1T): 3-4.

<sup>8</sup> *Id.* at 19-20.

<sup>9</sup> *Id.* at 3-4.

9 The Company also plans to reflect the revenue requirement impact of the change (which decreases revenues and increases revenue requirement) in its rebuttal filing.

### STATEMENT OF ISSUES

10 The Commission will grant a motion to withdraw a tariff filing if withdrawal is in the public interest.<sup>10</sup> In the past, the Commission has allowed a utility to withdraw a tariff filing to permit the utility to develop additional data or analysis to inform or better support the filing.<sup>11</sup> In this case, parties objected to PacifiCorp's Schedule 300 and Rule 6 revisions as lacking evidentiary support. While the Company does not concede that its filing is insufficient, it is willing to respond constructively to these objections by withdrawing the proposed tariff revisions at this time and tracking additional data on permanent disconnection and reconnection costs. PacifiCorp's motion to withdraw is in the public interest because it will allow the Commission to defer ruling on potential revisions to Schedule 300 and Rule 6 (both those proposed by PacifiCorp and those proposed by Columbia REA) until PacifiCorp has additional evidence to present on its actual costs.

11 The Commission has also found that it is in the public interest to withdraw tariff filings to allow parties to avoid unnecessary litigation expense.<sup>12</sup> Allowing the withdrawal of the Schedule 300 and Rule 6 tariff revisions maintains the status quo, simplifies this case,

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<sup>10</sup> *Wash. Utils. & Transp. Comm'n v. SJM Water Services, Inc. et al.*, Dockets UW-091034, UW-091035, UW-091036, and UW-091037 (consolidated), Order 04 at ¶ 6 (Apr. 6, 2010); *Re Cascade Natural Gas Corp.*, Docket UG-101656, Order 01 at ¶ 9 (Dec. 10, 2010).

<sup>11</sup> *Wash. Utils. & Transp. Comm'n v. Olympic Pipeline Co.*, Docket TO-010792, Order Granting Motion to Withdraw and Cancelling Prehearing Conference at ¶ 3 (July 11, 2001) (withdrawal reasonable to allow utility to develop better cost of service analysis and work with stakeholders).

<sup>12</sup> *Wash. Utils. & Transp. Comm'n v. SJM Water Services, Inc. et al.*, Dockets UW-091034, UW-091035, UW-091036, and UW-091037 (consolidated), Order 04 at ¶ 6 (Apr. 6, 2010) (withdrawal of proposed rate increase in public interest to avoid Commission and Staff incurring expenses); *Re Cascade Natural Gas Corp.*, Docket UG-101656, Order 01 at ¶ 6 (Dec. 10, 2010) (withdrawal in response to opposition in public interest to avoid incurring expense).

and mitigates the time and expense associated with its litigation. Moreover, the additional evidence PacifiCorp intends to collect should streamline, and might help avoid, future litigation over Schedule 300 and Rule 6.

12 The premise of PacifiCorp's motion is that the Commission's examination of the terms and conditions of Schedule 300 and Rule 6 should occur after PacifiCorp has collected additional cost data. For this reason, PacifiCorp's motion to withdraw is conditioned on the Commission terminating all litigation over revisions to Schedule 300 and Rule 6 in this case, specifically including the alternative tariff revisions Columbia REA proposed in its response testimony. The Commission limited Columbia REA's intervention in this case to "addressing the issues raised by [PacifiCorp's] filing relative to Schedule 300, and related changes to Rule 6 in the General Rules and Regulations part of PacifiCorp's tariff."<sup>13</sup> If PacifiCorp's motion is granted and PacifiCorp withdraws its tariff revisions, there is no basis for Columbia REA's continuing, active participation in this case.<sup>14</sup> Additionally, the parties' arguments that additional data is necessary to support PacifiCorp's proposed changes to Schedule 300 and Rule 6 are equally applicable to Columbia REA's proposed alternative changes to Schedule 300 and Rule 6. The Commission should delay its review of all of the issues raised with respect Schedule 300 and Rule 6 until it has the benefit of the additional, actual data that PacifiCorp intends to collect.

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<sup>13</sup> Order 03 at 2. PacifiCorp does not object to Columbia REA remaining a party for the sole purpose of monitoring the proceedings.

<sup>14</sup> The additional issues raised by Columbia REA are outside the scope of the limited intervention granted by the Commission. As stated in Order 03 (emphasis added): "While CREA *does not have a direct and substantial interest* in charges to [PacifiCorp's] customers, the Commission has a strong interest in seeing that the record is fully developed relative to changes PacifiCorp proposes. CREA's participation, limited to this issue, may result in a record that more fully informs the Commission on this matter than would be the case without CREA's participation. The Commission determines *for this reason* that CREA's participation is in the public interest, which establishes sufficient grounds for allowing it to intervene."

## CONCLUSION

13 PacifiCorp respectfully requests that the Commission grant PacifiCorp's motion to allow the withdrawal of its proposed tariff revisions to Schedule 300 and Rule 6 and to terminate further litigation related to these tariffs in this case. The motion is in the public interest for all of the reasons stated above. If the motion is granted, the Company will revise its direct testimony and exhibits as described above and reflect the change in revenue requirement in its rebuttal filing.

Respectfully submitted this 11th day of July, 2013.

By: 

Katherine McDowell  
McDowell Rackner & Gibson PC  
419 SW 11<sup>th</sup> Ave., Suite 400  
Portland, OR 97205  
Telephone: (503) 595-3924  
Facsimile: (503) 595-3928  
Email: [Katherine@mcd-law.com](mailto:Katherine@mcd-law.com)

Sarah K. Wallace, WSBA #30863  
Senior Counsel  
PacifiCorp d/b/a Pacific Power & Light Company