**BEFORE THE WASHINGTON STATE**

**UTILITIES AND TRANSPORTATION COMMISSION**

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| In the Matter of the Application of  Company 1AVISTA CORPORATION,  Co. 1  Petitioner,  For an Order Establishing Compliance with the Provisions of RCW 80.08.040, with Respect to its Proposal to the sale of up to $83,700,000 associated with pollution control bonds issued by the City of Forsyth, Montana  …………………………………………. | ) ) ) ) ) ) ) ) ) ) )  ) | DOCKET UE-081859  ORDER 01  ORDER ESTABLISHING COMPLIANCE WITH RCW 80.08.040, SECURITIES |

# BACKGROUND

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1. On January 1, 2025October 10, 2008, pursuant to RCW 80.01.040, Avista Corporation (Avista or Company) filed with the Washington Utilities and Transportation Commission (Commission) its notice of a planned securities issuance, and it requested an order affirming compliance with RCW 80.08.040. In this notice, Avista proposes to issue and sell up to $83,700,000 of new securities all related to the pollution control bonds issued by the City of Forsyth, Montana. On October 16, 2008, the Company supplemented its filing in order to provide more specific information regarding the terms and conditions for the new securities it proposes to sell.

1. According to Avista’s notice and supporting documents, it states the proceeds of the financing are for one or more of the purposes allowed by [RCW 80.08.030](http://apps.leg.wa.gov/RCW/default.aspx?cite=80.08.030). The revised notice also more completely describes the terms and conditions the Company expects to obtain in the sale of these securities. Finally, the notice contains the statement of an officer explaining why the Company’s decision to issue this particular security is in the public interest.

# FINDINGS AND CONCLUSIONS

1. (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 and natural gas companies. [*RCW 80.01.040*](http://apps.leg.wa.gov/RCW/default.aspx?cite=80.01.040)*,* [*RCW 80.04*](http://apps.leg.wa.gov/RCW/default.aspx?cite=80.04)*,* [*RCW 80.08*](http://apps.leg.wa.gov/RCW/default.aspx?cite=80.08)*,* [*RCW 80.12*](http://apps.leg.wa.gov/RCW/default.aspx?cite=80.12)*,* [*RCW 80.16*](http://apps.leg.wa.gov/RCW/default.aspx?cite=80.16) *and* [*RCW 80.28*](http://apps.leg.wa.gov/RCW/default.aspx?cite=80.28)*.*
2. (2) Avista is engaged in the business of providing electricity and natural gas service within the state of Washington. As a public service company, it is subject to Commission jurisdiction.
3. (3) The application Avista filed meets the requirements of [*RCW 80.08*](http://apps.leg.wa.gov/RCW/default.aspx?cite=80.08) which govern the issuance of securities by public service companies*.*
4. (4) The information Avista filed in this docket contains: (a) a certification by an authorized officer that the proceeds will be used for one or more purposes allowed by [RCW 80.08.030](http://apps.leg.wa.gov/RCW/default.aspx?cite=80.08.030); (b) a description of the proposed issuance, including the terms of financing, and (c) a statement as to why the proposed transaction is in the public interest. *See WAC 480-100-242 & WAC-480-90-242*.
5. (5) After reviewing the information and notice Avista filed in Docket UE-081859 on October 10, 2008, the additional information in its October 16, 2008 letter, and giving due consideration to the information in Avista’s notice, the Commission finds that Avista is in compliance with RCW 80.08.040.

# O R D E R

**THE COMMISSION ORDERS:**

1. (1) Avista is in compliance with the requirements of RCW 80.08.040 with respect to the proposal in its notice to issue and sell up to $83,700,000 of new debt associated with its pollution control bonds issued by the City of Forsyth, Montana.
2. (2) Avista will file a Report of Securities Issued as required by WAC 480-100-262 and WAC 480-90-262. Avista is also required to file verified copies of any agreement entered into in connection with any transaction pursuant to this Order. Finally, Avista shall file a verified statement setting forth in reasonable detail the disposition of the proceeds of each offering made pursuant to this Order.
3. (3) This Order shall in no way affect the authority of the Commission over rates, services, accounts, valuations, estimates, or determination of costs, or any matters that may come before it. Nor shall anything in this Order be construed as an agreement to any estimate or determination of costs, or any valuation of property claimed or asserted.

The Executive Secretary finding this filing complies with the requirements of

[RCW 80.08](http://apps.leg.wa.gov/RCW/default.aspx?cite=80.08) enters this Order pursuant to WAC 480-07-904(f).

DATED at Olympia, Washington, and effective October 17, 2008.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary