

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

PACIFIC POWER & LIGHT  
COMPANY,

Respondent.

DOCKET UE-161204

ORDER 01

GRANTING STAFF’S MOTION FOR  
CLARIFICATION OF ORDER 06

**BACKGROUND**

- 1 On November 14, 2016, Pacific Power & Light Company (Pacific Power or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its Tariff WN U-75, Rule 1 – General Rules and Regulations; Rule 4 – Application for Electric Service; Rule 6 – Facilities on Customer’s Premises; and Schedule 300 – Charges as Defined by the Rules and Regulations. Following an evidentiary hearing on June 13 and 14, 2017, the Commission entered its Final Order, Order 06, on October 12, 2017.
- 2 On October 23, 2017, Commission staff (Staff) filed a Motion for Clarification of Order 06 (Motion). In its Motion, Staff expresses concern that litigants in other dockets or reviewing courts may misunderstand the Commission’s discussion of the regulatory compact in Order 06. Accordingly, Staff moves for clarification that Order 06 does not enforce a regulatory compact containing affirmative legal rights arising outside of Washington statute, and requests the Commission revise Conclusion of Law No. 3 to remove its reference to the regulatory compact as a basis for Pacific Power’s obligation to serve.

**DISCUSSION**

- 3 We grant Staff’s Motion and clarify that the Commission’s discussion of the regulatory compact in Order 06 relates solely to enforcing public service laws and not to enforcing affirmative legal rights and responsibilities not found in statute. Staff is correct that the Commission upholds the regulatory compact by virtue of enforcing the public service laws found in Title 80 RCW.<sup>1</sup> Accordingly, the Commission views the regulatory

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<sup>1</sup> Specifically, a utility’s obligation to serve under RCW 80.28.110; a utility’s obligation to furnish safe, reasonable, and adequate service under RCW 80.28.010; a utility’s right to

compact as arising from the collective application of the relevant statutory provisions, not as a separate or distinct body of law.

- 4 To remove any perceived ambiguity, we grant Staff’s request to amend Conclusion of Law No. 3 by replacing the phrase “regulatory compact” with a specific reference to statutory authority. We modify paragraph 193 of Order 06, by this reference, as follows: “Pursuant to RCW 80.28.110, Pacific Power has an obligation to serve and, therefore, an expectation that it will continue to provide service.”

**ORDER**

**THE COMMISSION ORDERS:**

- 5 (1) Commission Staff’s Motion for Clarification is GRANTED.
- 6 (2) Order 06 is modified as set out in paragraph 4, above.

DATED at Olympia, Washington, and effective October 26, 2017.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chairman

ANN E. RENDAHL, Commissioner

JAY M. BALASBAS, Commissioner

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compensatory rates under RCW 80.28.010 and .020; and customers’ rights to fair, just, and reasonable rates that are neither unduly discriminatory nor preferential under RCW 80.28.010, .020, .090, and .100. *See* Staff’s Motion ¶12.