

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

WASHINGTON UTILITIES AND) TRANSPORTATION COMMISSION,)) Complainant,)) v.)) PACIFICORP, d/b/a PACIFIC) POWER & LIGHT,)) Respondent.))	DOCKET NO. UE-001734 THIRD SUPPLEMENTAL ORDER AMENDING PREHEARING CONFERENCE ORDER AND SUSPENDING PROCEDURAL SCHEDULE UNTIL DECEMBER 31, 2001
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1 **BACKGROUND.** On November 9, 2000, PacifiCorp d/b/a Pacific Power & Light (PacifiCorp) filed with the Commission a tariff revision (Proposed Tariff Revision) that would allow PacifiCorp to charge a customer the costs associated with removing PacifiCorp’s utility property from the customer’s location when the customer changes utility service providers. The Commission suspended the Proposed Tariff Revision pending hearing or hearings concerning such changes and the justness and reasonableness thereof.

2 On May 1, 2001, the Commission held a prehearing conference, and established a procedural schedule for prefiled testimony and exhibits, evidentiary hearings, and briefs. The Commission’s May 4, 2001, Prehearing Conference Order formally set forth the procedural schedule. Pursuant to the Prehearing Conference Order, the direct evidence of the parties has been filed. PacifiCorp was required to file its rebuttal case by July 27, 2001, and hearings were set for August 16-17, 2001. PacifiCorp agreed to waive the statutory suspension period to accommodate the hearing schedule.

3 **MOTION TO AMEND PREHEARING CONFERENCE ORDER AND HOLD IN ABEYANCE FURTHER PROCESSING OF DOCKET UNTIL DECEMBER 31, 2001.** On July 27, 2001, PacifiCorp filed a motion requesting that the Commission authorize a stay of the procedural schedule set forth in the May 4, 2001, Prehearing Conference Order, until December 31, 2001. PacifiCorp agrees to waive the suspension period for an additional five months.

4 PacifiCorp requests suspension of the procedural schedule because PacifiCorp and Columbia Rural Electric Association (CREA) have entered into an interim service

area agreement (subject to Commission approval under RCW 54.48), and a Memorandum of Understanding (MOU). The MOU sets forth the framework under which PacifiCorp and CREA will attempt to negotiate a permanent service area agreement.¹ PacifiCorp represents that the MOU offers the possibility of settlement of all contested issues in this proceeding.

5 Commission Staff supports PacifiCorp's Motion to Amend for three reasons. First, should the result of Docket No. UE-011085 be an approved service area agreement, that could effectively moot the issues in Docket UE-001734. Second, absent a service area agreement, there is a likelihood of persistent litigation involving the situation that currently exists. Third, It is probable that a service area agreement will be in the best interests of ratepayers, and consistent with the policies stated in 54.48 RCW.

6 Commission Staff supports the Motion to Amend with three qualifications:

- That the Parties understand that a Commission representative assigned to supervise the negotiation process does not have the authority to bind the Commission to a particular form of agreement. The ultimate decision rests with the Commission on whether to approve a particular service area agreement.
- That Staff's support of the motion does not necessarily convey Staff support for any particular form of service area agreement that may be negotiated.
- That to preserve the *status quo*, PacifiCorp's agreement to waive the suspension period for an additional five months should be interpreted to mean that if negotiations fail, the Commission will have 3 months and 25 days **after** December 31, 2001, to resolve the instant docket.

Public Counsel concurs with Staff's position.

7 **COMMISSION DECISION.** The Commission finds good cause shown and that it is consistent with the public interest to grant the Motion to Amend Prehearing Conference Order, and to suspend the procedural schedule until December 31, 2001, subject to the three conditions outlined above.

¹ PacifiCorp's Application Requesting Approval of an Interim Service Territory Agreement with CREA and attached MOU were filed on July 30, 2001, under Docket No. UE-011085.

Dated at Olympia, Washington, and effective this 10th day of August, 2001.

KAREN M. CAILLÉ
Administrative Law Judge