

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

In the Matter of the Request of)	DOCKET NO. UE-051199
)	
PACIFICORP, d/b/a Pacific Power)	ORDER NO. 01
& Light Company,)	
)	
Petitioner,)	
)	
For Less Than Statutory Notice in)	ORDER GRANTING LESS THAN
Connection with Tariff Revisions)	STATUTORY NOTICE
.....)	

BACKGROUND

- 1 On August 9, 2005, PacifiCorp, (the Company) filed with the Commission revisions to its currently effective Tariff WN U-74, designated as First Revision of Sheet No. 92.1, Schedule 92 – Attorney General’s Antitrust Settlement Refund. The purpose of the filing is to distribute the Company’s second refund of the settlement entered into by the Washington Attorney General’s Office with various energy trading companies, stemming from the 2000-2001 energy crisis. The total amount proposed to be refunded is \$118, 883 that will be distributed to commercial and industrial customers.
- 2 RCW 80.28.060 and WAC 480-80-121 require a thirty-day notice prior to the effective date of the tariff. The tariff sheets bear an inserted effective date of September 9, 2005. This date recognizes statutory notice as required. The Company requests, however, less than statutory notice as permitted in WAC 480-80-122, and that the revisions become effective August 29, 2005. PacifiCorp stated the reason(s) for less than statutory notice is due to the Attorney General’s requirement that all the money be distributed to customers within 60 days of receipt by the Company and to efficiently administer the refund by starting the refund period with the beginning of a billing month.

3 Since the filing provides a decrease in rates, the Company is exempt from notice requirements in WAC 480-100-194.

4 Since the proposed tariff revisions appear to be fair, just, and reasonable, and less than statutory notice is consistent with the public interest, it is appropriate that the Commission grant PacifiCorp's request with an effective date of August 29, 2005.

FINDINGS AND CONCLUSIONS

5 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate rates, regulations, practices, accounts, securities, and transfers of public service companies, including electric companies. *RCW 80.01.040; Chapter 80.04 RCW and Chapter 80.28 RCW.*

6 (2) PacifiCorp is an electric company and is a public service company subject to the jurisdiction of the Commission.

7 (3) PacifiCorp is subject to the provisions of RCW 80.28.060 and WAC 480-80-121 requiring electric companies to file changes in any rate or charge with thirty days' notice. For good cause shown, however, the Commission may allow changes without requiring thirty days' notice by order specifying the changes to be made and the time when it shall take effect. *WAC 480-80-122.*

8 (4) WAC 480-100-008 provides that the Commission may grant an exemption from the provisions of any rule in Chapter 480-100 WAC, if consistent with the public interest, the purposes underlying regulation and applicable statutes.

- 9 (5) Staff has reviewed the request in Docket UE-051199 and recommended the less than statutory notice request of PacifiCorp be granted. The Company is exempt from notice requirements in WAC 480-100-194.
- 10 (6) This matter was brought before the Commission at its regularly scheduled meeting on August 17, 2005.
- 11 (7) After examination of the proposed tariff revisions filed by PacifiCorp on August 9, 2005, and giving consideration to all relevant matters and for good cause shown, the Commission finds the proposed tariff revisions should become effective August 29, 2005.
- 12 (8) The Commission also finds the Company should be granted an exemption to the customer notice requirements.

ORDER

THE COMMISSION ORDERS:

- 13 (1) The request sought by PacifiCorp for less than statutory notice is granted.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

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DATED at Olympia, Washington, and effective this 17th day of August, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN, Secretary