

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

In the Matter of the Request of)	DOCKET UG-082271
)	
AVISTA CORPORATION,)	ORDER 01
)	
Petitioner,)	
)	ORDER GRANTING LESS THAN
For Less Than Statutory Notice in)	STATUTORY NOTICE AND
Connection with Tariff Revisions)	EXEMPTION FROM CUSTOMER
)	NOTICE REQUIREMENTS;
)	ALLOWING TARIFF REVISIONS
.....)	

BACKGROUND

- 1 On December 30, 2008, Avista Corporation, (Avista or Company) filed with the Washington Utilities and Transportation Commission (Commission) a revision to its currently effective Tariff WN U-29, designated as *Tenth Revision Sheet 155 Canceling Ninth Revision Sheet 155*. Avista proposes to decrease rates for its residential and commercial customers to reflect the continued decrease in wholesale natural gas prices.
- 2 RCW 80.28.060 and WAC 480-80-121 require thirty days’ notice to the Commission prior to the effective date of the tariff. The tariff sheet bears an effective date of January 31, 2009. This date recognizes the required 30-day statutory notice. The Company requests, however, less than statutory notice as permitted by WAC 480-80-122, and that the revision become effective January 16, 2009. Avista requests less than statutory notice because the Company believes it is important, in the present state of the economy and higher winter heating usage, that the requested reduction be passed on to customers as soon as feasible.
- 3 WAC 480-90-194 requires notice to customers or publication of the change sought before the stated effective date of the proposed change. Avista notified its customers by a media release coincident with the company’s filing on December 30, 2008. Avista requests exemption from the requirement to provide notice to customers for a period of at least 30-days prior to the effective date of the proposed change. The Company makes this request for the reasons stated above, that is, the customers benefit from implementing this rate change as soon as reasonably feasible.

4 Over the past several months, wholesale natural gas prices have fallen below the projected gas prices embedded in Avista's 2008 Purchased Gas Adjustment (PGA) filing. Lower wholesale prices have resulted in excess deferred gas costs being accumulated but not refunded to customers. The Company's proposal will refund eighty-percent of the November 2008 deferred balance of \$11.5 million, or \$9.2 million, by October 31, 2009. The remaining \$2.3 million provides a reasonable buffer for potential future volatility in the market.

5 Since the proposed tariff revision is fair, just, reasonable and sufficient, and granting less than statutory notice and the exemption from prior notice for at least a 30-day period requirement is consistent with the public interest, it is appropriate that the Commission grant Avista's request with an effective date of January 16, 2009.

FINDINGS AND CONCLUSIONS

6 (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, regulations, practices, accounts, securities, transfers of property and affiliated interests of public service companies, including gas companies. *RCW 80.01.040, RCW 80.04, RCW 80.08, RCW 80.12, RCW 80.16 and RCW 80.28.*

7 (2) Avista is a gas company and a public service company subject to Commission jurisdiction.

8 (3) Avista is subject to RCW 80.28.060 and WAC 480-80-121, which require gas companies to file changes in any rate or charges 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. *RCW 80.28.060 and WAC 480-80-122.*

9 (4) Under WAC 480-90-008, the Commission may grant an exemption from the provisions of any rule in WAC 480-90, if consistent with the public interest, the purposes underlying regulation and applicable statutes. *See also WAC 480-07-110.*

- 10 (5) Staff has reviewed Avista's request in Docket UG-082271 and recommends the Commission grant the Company's request for less than statutory notice.
- 11 (6) Avista is subject to RCW 80.28.060 and WAC 480-90-194, which require gas companies to file changes in any rate or charges with thirty days' prior notice to customers. For good cause shown, however, the Commission may exempt the Company from this requirement by order specifying the changes to be made and the time when it shall take effect. *RCW 80.28.060.*
- 12 (6) This matter came before the Commission at its regularly scheduled meeting on January 15, 2009.
- 13 (7) After reviewing Avista's proposed tariff revision filed on December 30, 2008, and giving due consideration to all relevant matters and for good cause shown, the Commission finds the proposed tariff revision should become effective January 16, 2009.

ORDER

THE COMMISSION ORDERS:

- 14 (1) Avista Corporation's request for less than statutory notice is granted.
- 15 (2) Avista Corporation is granted an exemption from providing 30-days prior notice to its customers as required by WAC 480-90-194.
- 16 (3) The tariff revisions Avista Corporation filed on December 30, 2008, will be effective on January 16, 2009.
- 17 (4) This Order shall not affect the Commission's authority over rates, services, accounts, valuations, estimates, or determination of costs, on any matters that may come before it. Nor shall this Order be construed as an agreement to any estimate, prudence, or determination of costs.

DATED at Olympia, Washington, and effective January 15, 2009.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner