

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

In the Matter of the Request of	)	DOCKET UG-090065
	)	
AVISTA CORPORATION DBA	)	ORDER 01
AVISTA UTILITIES,	)	
	)	
Petitioner,	)	
	)	ORDER GRANTING LESS THAN
For Less Than Statutory Notice in	)	STATUTORY NOTICE; ALLOWING
Connection with Tariff Revisions	)	TARIFF REVISION
.....	)	

**BACKGROUND**

- 1     On January 8, 2009, Avista Corporation dba/ Avista Utilities, (Avista or Company) filed with the Washington Utilities and Transportation Commission (Commission) a revision to its currently effective Tariff WN U-01, designated as Third Revision Sheet 159 Canceling Second Revision Sheet 159 to reflect the change in Avista’s natural gas base rates approved by Commission Order 08 in Docket UG-080417.
  
- 2     RCW 80.28.060 and WAC 480-80-121 require thirty days’ notice to the Commission together with published notice prior to the effective date of the tariff. The tariff sheet bears an effective date of February 8, 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 becomes effective February 1, 2009. Avista requests less than statutory notice so that the changes ordered in the Commission Order 08 are appropriately reflected in the January 2009 decoupling deferral calculation. There is no rate change associated with this filing.
  
- 3     WAC 480-90-194 requires notice to customers or publication of the increase sought in this filing. Granting Avista’s less than statutory notice request also requires an exemption from WAC 480-90-194. For the same reasons Avista identified for seeking less than statutory notice, the Company seeks an exemption from the notice requirements.
  
- 4     Since the proposed tariff revision appears to be fair, just, reasonable and sufficient, and less than statutory notice is consistent with the public interest, it is appropriate that the Commission grant Avista’s request with an effective date of February 1, 2009.

**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 the rates, regulations, practices, accounts, securities, transfers of property and affiliated interests of public service companies, including electric companies. *RCW 80.01.040, RCW 80.04, RCW 80.08, RCW 80.12, RCW 80.16 and RCW 80.28.*
- 6 (2) Avista is a natural gas company and a public service company subject to Commission jurisdiction.
- 7 (3) Avista is subject to RCW 80.28.060, WAC 480-80-121, and WAC 480-90-194, which require gas companies to file changes in any rate, charge or service 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 the Order shall take effect. *WAC 480-80-122.*
- 8 (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.*
- 9 (5) Staff has reviewed Avista's request in Docket UG-090065 and recommends the Commission grant the Company's request for less than statutory notice. Staff further recommends the Commission grant an exemption from WAC 480-90-194.
- 10 (6) This matter came before the Commission at its regularly scheduled meeting on January 29, 2009.
- 11 (7) After reviewing Avista's proposed tariff revision filed on January 8, 2009, and giving due consideration to all relevant matters and for good cause shown, the Commission finds the proposed tariff revision should become effective February 1, 2009.

- 12 (7) The Commission also finds Avista should be granted an exemption from the customer notice requirements.

**ORDER**

**THE COMMISSION ORDERS:**

- 13 (1) Avista Utilities' request for less than statutory notice is granted.
- 14 (2) After the effective date of this Order, Avista Utilities is granted an exemption from WAC 480-90-194, which requires notice to customers of proposed changes to increase charges.
- 15 (3) The tariff revision Avista Utilities filed on January 8, 2009, will be effective on February 1, 2009.
- 16 (3) The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective January 29, 2009.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary