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FILED
SUPERIOR COURT
THURSTON COUNTY, WASH.

10 FEB -2 PM 4:36

BETTY J. GOULD, CLERK

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EXPEDITE

Hearing is set:
 Date: _____
 Time: _____
 Judge: Honorable Richard D. Hicks

**STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT**

THE WASHINGTON STATE
ATTORNEY GENERAL'S OFFICE,
PUBLIC COUNSEL SECTION,

Petitioner,

v.

WASHINGTON UTILITIES AND
TRANSPORTATION
COMMISSION, AND AVISTA
CORPORATION,

Respondents.

NO. 09-2-00171-2

ORDER AFFIRMING FINAL
ORDER OF WASHINGTON
UTILITIES AND
TRANSPORTATION
COMMISSION IN ALL BUT
TWO RESPECTS, AND
REVERSING AND
REMANDING IN PART

THIS MATTER came before the Court pursuant to RCW

34.05.570(3) on the Petition for Judicial Review of the Washington State

Attorney General's Office, Public Counsel Section. The Court, having

considered the written submissions of the parties, namely, the Washington

1 State Attorney General's Office, Public Counsel Section, the Washington
2 Utilities and Transportation Commission, and Avista Corporation, and
3
4 having also considered the administrative record and the argument of
5
6 counsel; now, therefore, it is hereby

7 ORDERED, ADJUDGED AND DECREED THAT:

8 Order 08, Final Order Approving and Adopting Multi-Party
9 Settlement Stipulation and Requiring Compliance Filing, issued by the
10 Washington Utilities and Transportation Commission on December 29,
11 2008, is AFFIRMED in all respects, as it is consistent with the law and
12 agency rules, and supported by substantial evidence, except for two items:
13
14 The Court REVERSES the Commission's decision allowing inclusion of
15 sporting events and entertainment costs (\$68,131), and charitable donations
16 (\$23,953), in Avista's revenue requirement, as based on erroneous
17 interpretation and application of law, and REMANDS these items for further
18 relief consistent herewith.¹


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21 DONE IN OPEN COURT this 2nd day of February, 2010.

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24 
HONORABLE RICHARD D. HICKS

25
26 ¹ On December 18, 2009, the Court issued its ruling with respect to these matters, as indicated in its minute entry of the same date. (See Transcript, Judicial Review of Final Agency Order, pp. 57-85).

1 Presented by:

2 ROBERT M. MCKENNA
3 ATTORNEY GENERAL

4 
5
6 GREGORY J. TRAUTMAN, WSBA # 15501
7 Assistant Attorney General
8 Counsel for the Washington Utilities
and Transportation Commission

SEE ORIGINAL
SIGNATURES ON PAGES
ORDER IN FILE
2-2-10
JDH

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11 Approved as to form
12 Notice of presentation waived:

13 ROBERT M. MCKENNA
14 ATTORNEY GENERAL

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16 _____
17 SIMON J. FFITCH, WSBA # 25977
18 Senior Assistant Attorney General
19 Washington State Attorney General's Office,
Public Counsel Section

20
21 AVISTA CORPORATION

22
23 _____
24 DAVID J. MEYER, WSBA # 8717
25 Vice President and Chief Counsel for
26 Regulatory and Governmental Affairs

1 Presented by:

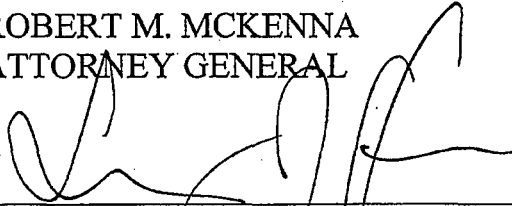
2 ROBERT M. MCKENNA
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GREGORY J. TRAUTMAN, WSBA # 15501
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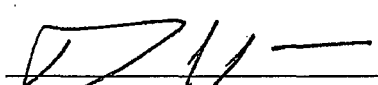
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