

**Exhibit No. ECO-9C
Dockets UE-160228/UG-160229
Witness: Elizabeth C. O'Connell
REDACTED VERSION**

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

**WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,**

Complainant,

v.

**AVISTA CORPORATION d/b/a
AVISTA UTILITIES,**

Respondent.

**DOCKETS UE-160228 and
UG-160229 (*Consolidated*)**

**EXHIBIT TO
TESTIMONY OF**

ELIZABETH C. O'CONNELL

**STAFF OF
WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

Avista's Response to Staff Data Request No. 153

August 17, 2016

**AVISTA CORP.
RESPONSE TO REQUEST FOR INFORMATION**

JURISDICTION:	WASHINGTON	DATE PREPARED:	08/15/2016
CASE NO.:	UE-160228 & UG-160229	WITNESS:	Elizabeth Andrews
REQUESTER:	UTC Staff – O’Connell	RESPONDER:	Ryan Finesilver/David Meyer
TYPE:	Data Request	DEPT:	State & Federal Regulation
REQUEST NO.:	Staff – 153C Supplemental	TELEPHONE:	(509) 495-4873
		EMAIL:	ryan.finesilver@avistacorp.com

REQUEST:

Please provide any documentation, worksheet or additional support other than responses to ICNU’s Data Requests 113, 114 and 115 that confirms the amount and continuation of lease payments during the rate year (2017) related to the Montana Riverbed lease expense included in the deferred debits and credits adjustment in cell H24 Tab E-DDC-1 Work paper 1) PF-2016 WAS Regulatory Debits and Credits.

RESPONSE:

The Company has provided documentation regarding future Montana Riverbed lease expenses that are estimated to occur after 2016. The U.S. Supreme Court ultimately ruled that the determination of riverbed title, under the Equal-Footing Doctrine, should be made on a segment-by-segment basis depending on the facts. The U.S. Supreme Court reversed the Montana Supreme Court and remanded the case against PPL back to Montana for further proceedings surrounding the navigability of each river segment.

The case is currently pending in the United States District Court for the District of Montana. A trial date concerning the navigability of the various rivers at issue on a segment-by-segment basis, has not yet been scheduled.

The existing lease, by its terms, will continue in 2017 and beyond. Meanwhile, the litigation in Montana courts, as a result of the remand, will continue in order to address issues of navigability.

Also see Avista’s responses to ICNU_DR_113 and 114.

SUPPLEMENTAL:

The information below is **Confidential per Protective Order in UTC Dockets UE-160228 and UG-160229.**



