

**BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

|                            |   |                          |
|----------------------------|---|--------------------------|
| WASHINGTON UTILITIES AND   | ) | DOCKET UE-161204         |
| TRANSPORTATION COMMISSION, | ) |                          |
|                            | ) |                          |
| Complainant,               | ) |                          |
|                            | ) | PETITION TO INTERVENE OF |
| v.                         | ) | COLUMBIA RURAL ELECTRIC  |
|                            | ) | ASSOCIATION              |
| PACIFIC POWER & LIGHT      | ) |                          |
| COMPANY,                   | ) |                          |
|                            | ) |                          |
| Respondent.                | ) |                          |

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1 Pursuant to WAC § 480-07-355, Columbia Rural Electric Association (“Columbia REA”) hereby petitions the Washington Utilities and Transportation Commission (“WUTC” or “Commission”) for leave to intervene in the above-referenced Docket, as an intervenor with party status as described in WAC § 480-07-340. The business address of Columbia REA is:

Columbia Rural Electric Association  
115 E. Main Street  
PO Box 46  
Dayton, WA 99328

Columbia REA will be represented in this proceeding by its General Counsel and Davison Van Cleve, P.C. All documents relating to this proceeding should also be served on Columbia REA’s attorneys at the following addresses:

|                                  |                            |
|----------------------------------|----------------------------|
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2           The administrative rules at issue are WAC § 480-07-340, -355. A petitioner must state their “interest in the proceeding,”<sup>1/</sup> and a petition to intervene may be granted if it “discloses a substantial interest in the subject matter of the hearing or if the petitioner’s participation is in the public interest.”<sup>2/</sup> In this regard, the Commission will consider whether “the would-be intervenor’s participation will contribute to the Commission’s ability to make a decision in the public interest.”<sup>3/</sup>

3           Columbia REA is a non-profit electric cooperative with more than 4,500 member accounts and nearly 1,200 miles of electric line throughout Walla Walla, Umatilla and Columbia counties. Columbia REA and Pacific Power & Light Company (“Pacific Power” or the “Company”) operate in similar geographic market areas and do not have an exclusive service territory agreement.

4           Columbia REA has a substantial interest in Pacific Power’s proposed tariff revisions, which the Company filed on November 14, 2016. Pacific Power is proposing revisions to its net removal tariff, including currently effective Tariff WN U-75 portions of Schedule 300 and Rules 1, 4, and 6.<sup>4/</sup> Columbia REA has a substantial interest in the subject matter of this proceeding because Pacific Power is requesting net removal tariff revisions on the express basis of alleged electric power market actions by Columbia REA.<sup>5/</sup> Thus, allowing Columbia REA to directly address the Company’s claims through intervention in this proceeding

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<sup>1/</sup> WAC § 480-07-355(1)(c)(ii).

<sup>2/</sup> WAC § 480-07-355(3).

<sup>3/</sup> WUTC v. Pacific Power, Docket UE-001734, Second Suppl. Order at ¶ 31 (July 9, 2001).

<sup>4/</sup> Collectively, the Company and others commonly refer to these provisions as the “net removal tariff.” See RBD-1T at 4 (explaining Pacific Power’s perspective on “the filing of the Company’s original net removal tariff”).

<sup>5/</sup> See, e.g., RBD-1T at 4:10-5:12; id. at 5:21-7:8; RBD-2.

would be “in the interests of justice,” in accordance with the discretionary standard applied by the Commission under the Administrative Procedure Act.<sup>6/</sup> Moreover, the propriety of intervention by an unregulated entity was very recently confirmed on a “substantial interest” basis, in similar circumstances, in which a utility tariff filing had “placed” the market practices of an unregulated entity “at issue in th[e] proceeding.”<sup>7/</sup>

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Intervention by Columbia REA would also further the public interest. On two prior occasions, the Commission has allowed Columbia REA to intervene in Pacific Power proceedings to specifically address similar net removal tariff issues, consistent with the public interest standard.<sup>8/</sup> In fact, when the Company ultimately withdrew its proposed net removal tariff revisions in the more recent of these proceedings, the Commission expressly recognized Columbia REA’s contributions in proposing net removal tariff revisions of its own.<sup>9/</sup> Not only did the Commission find Columbia REA’s arguments “persuasive” in this regard, but the Commission went on to order that the Company meet with Columbia REA and other parties in preparation for the filing of “a thoroughgoing report” on net removal tariff issues.<sup>10/</sup> Accordingly, Columbia REA has demonstrated that its participation in proceedings involving net removal tariff issues will benefit the public interest and assist the Commission.

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<sup>6/</sup> Cost Mgmt. Serv., Inc., v. Cascade Natural Gas Corp., Dockets UG-061256 *et al.*, Order 06 at ¶ 19 (Oct. 12, 2007) (quoting RCW § 34.05.443(1)).

<sup>7/</sup> WUTC v. Puget Sound Energy (“PSE”), Docket UE-161123, Order 04 at ¶ 22 (Nov. 22, 2016) (quoting WUTC v. PSE, Dockets UE-151871 and UG-151872, Order 02 at ¶ 11 (Jan. 7, 2016)).

<sup>8/</sup> See. e.g., Docket UE-001734, Second Suppl. Order at ¶¶ 28, 31, 33 (finding intervention was also appropriate to allow Columbia REA to address specific factual contentions made by the Company against Columbia REA, as in this proceeding); WUTC v. PacifiCorp, Docket UE-130043, Order 03 at ¶ 6 (Feb. 14, 2013) (limiting Columbia REA’s intervention to address net removal tariff issues only, which is the only subject matter of the current proceeding, in contrast to the general rate proceeding context of Docket UE-130043).

<sup>9/</sup> Docket UE-130043, Order 04 at ¶ 7.

<sup>10/</sup> Id. at ¶¶ 10, 15.

6

The revisions to Rules 1, 4, 6 and Schedule 300 appear to result from Walla Walla Country Club v. Pacific Power and Light Company, Docket UE-143932, Order No. 5 (“Final Order”). The Final Order, interpreting Rule 6, allowed the Company to assess the cost of removal of empty conduit and pipe upon permanent disconnection “only” if a safety or operational reason existed to justify their removal.<sup>11/</sup> The proposed tariff revisions significantly modify the above-cited Rules to the detriment of the consumer. Columbia REA has been directly targeted in this proceeding and is in a unique position to discuss reasonable utility practices that will protect the public interest and delivery of electric service.

7

Columbia REA does not propose to broaden the issues in this proceeding. The Commission has noted that Pacific Power’s net removal tariff impacts customers who might move to another utility and the tariff does not occur in isolation, “but in the context of potential competition among neighboring utilities.”<sup>12/</sup> From the origination of the net removal tariff, therefore, the Commission has concluded that Columbia REA’s participation could help in evaluating the effect on Pacific Power’s customers, which would be in the public interest, and that Columbia REA would be allowed to address issues related to competition, customer choice and unlawful restraint of trade.<sup>13/</sup> The same rationale applies in granting Columbia REA party status in the present proceeding. Finally, given Columbia REA’s participation in prior Company dockets involving similar or identical issues, it can offer a historical and market perspective that should assist the Commission’s decision.

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<sup>11/</sup> Docket UE-143932, Order 05 at p. 5, ¶ 8.

<sup>12/</sup> Docket UE-001734, Second Suppl. Order at ¶ 33.

<sup>13/</sup> Id. (referencing issue (e) in ¶ 25)

8 Columbia REA's legal counsel has extensive experience in proceedings before the Commission involving regulated utility rate issues. Columbia REA's intervention in this proceeding will assist the Commission in resolving the issues and will not unreasonably broaden the issues, burden the record, or delay this proceeding.

9 As described above, Columbia REA has a direct and substantial interest in this proceeding that will not be adequately represented by any other party, especially in light of the explicit contentions alleged against Columbia REA by the Company. Columbia REA may be affected by any Commission determination made in connection with this proceeding. It is in the public interest to allow Columbia REA to intervene in this proceeding.

10 WHEREFORE, Columbia REA respectfully petitions the Commission for leave to intervene with full party status in this proceeding.

Dated this 15th day of December, 2016.

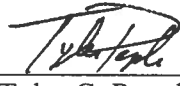
Respectfully submitted,

WITHERSPOON KELLEY

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