

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

In the Matter of the Request of	)	DOCKET UE-071016
	)	
PACIFIC POWER	)	ORDER 01
dba PACIFIC POWER & LIGHT	)	
COMPANY,	)	
	)	
Petitioner,	)	
	)	
For Less Than Statutory Notice in	)	ORDER GRANTING LESS THAN
Connection with Tariff Revisions	)	STATUTORY NOTICE
.....	)	

**BACKGROUND**

- 1      On May 23, 2007, Pacific Power dba Pacific Power & Light Company, (“Pacific” or “Company”) filed with the Commission a revision to its currently effective Tariff WN U-74, designated as the Third Revision of Sheet No. 98 canceling Second Revision of Sheet No. 98. Pacific Power’s Schedule 98 provides residential and certain other Pacific Power customers with a direct pass through of monetary benefits received from the Bonneville Power Administration (BPA) under the Residential Exchange Program. On May 3, 2007, the Ninth Circuit Court of Appeals concluded that certain BPA actions in entering residential exchange settlements in 2000 with the investor owned utilities were not in accordance with the law. Given this ruling, the BPA announced that it is ceasing to pay these benefits on or about May 21, 2007. Thus, the effect of this tariff revision is to reduce the level of credits provided to Pacific Power’s eligible customers under the Residential Exchange Program to 0.00 cents per kWh from 0.884 cents per kWh.
- 2      RCW 80.28.060 and WAC 480-80-121 require a thirty-day notice prior to the effective date of the tariff. The tariff sheet bears an inserted effective date of June 23, 2007. This date recognizes statutory notice as required. The Company requests, however, less than statutory notice as permitted by RCW 80.28.060 and WAC 480-80-122, and that the revisions become effective June 7, 2007. Pacific Power stated the reason for less than statutory notice is the urgent need to match the Schedule 98 credit with the level of receipts that BPA will be providing under the Residential Exchange Program, which is zero. The effect on a Pacific customer using an average of 1,300 kilowatt-hours per month is a bill increase of \$11.49, or about 16%.

3 WAC 480-100-194 requires notification to customers or publication of the increase in  
rates sought in this filing. Granting the Company's less than statutory notice request also  
requires an exemption from WAC 480-100-194. For the same reason(s) listed for  
seeking less than statutory notice, the Company seeks such an exemption from notice  
requirements. The Company proposes to notify customers by publishing the required  
notice in relevant newspapers within three (3) business days of this filing. The Company  
also intends to provide individual customer notice through direct mailed customer letters.

4 Since the proposed tariff revisions appear to be fair, just, and reasonable, and less than  
statutory notice is consistent with the public interest, it is appropriate that the  
Commission grant Pacific Power's request with an effective date of June 7, 2007.

### **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 rates,  
regulations, practices, accounts, securities, and transfers of public service  
companies, including electric companies. *RCW 80.01.040, RCW 80.04, RCW  
80.28, RCW 80.08 and RCW 80.12.*
- 6 (2) Pacific Power is an electric company and is a public service company subject to  
the jurisdiction of the Commission.
- 7 (3) Pacific Power is subject to the provisions of RCW 80.28.060 and  
WAC 480-80-121 requiring electric companies to file changes in any rate or  
charge 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. *WAC 480-80-122.*
- 8 (4) WAC 480-100-008 provides that the Commission may grant an exemption from  
the provisions of any rule in WAC 480-100, if consistent with the public interest,  
the purposes underlying regulation and applicable statutes.
- 9 (5) Staff has reviewed the request in Docket UE-071016 and recommended the less  
than statutory notice request of Pacific Power be granted. Staff further  
recommended the Commission grant an exemption from WAC 480-100-194 and

require the Company to notify customers by notification in relevant newspapers and through direct mailings to customers.

- 10 (6) This matter was brought before the Commission at its regularly scheduled meeting on June 6, 2007.
- 11 (7) After examination of the proposed tariff revisions filed by Pacific Power on May 23, 2007, and giving consideration to all relevant matters and for good cause shown, the Commission finds the proposed tariff revisions should become effective June 7, 2007.
- 12 (8) The Commission also finds the Company should be granted an exemption from the customer notice requirements.

## **ORDER**

### **THE COMMISSION ORDERS:**

- 13 (1) The request sought by Pacific Power dba Pacific Power & Light Company for less than statutory notice is granted and the proposed tariff revision shall take effect by operation of law upon the effective date of this order.
- 14 (2) Upon the effective date of this Order, Pacific Power dba Pacific Power & Light Company is granted an exemption from WAC 480-100-194, publication of proposed changes to increase charges or restrict access in service. Pacific Power dba Pacific Power & Light Company shall notice customers by publicity in relevant newspapers and by direct mailings to customers.

DATED at Olympia, Washington, and effective June 6, 2007.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**MARK H. SIDRAN, Chairman**

**PATRICK J. OSHIE, Commissioner**