

Commission grant the Company's Application and issues an order finding that the Company has complied with RCW 80.08.030.

DISCUSSION

4 We grant Avista's Application for an order finding that its planned securities issuance complies with RCW 80.08.040. The statute requires that a regulated utility, prior to issuing a security, must file with the Commission:

- (1) A description of the purposes for which the issuance is made, including a certification by an officer authorized to do so, that the proceeds from any such financing is for one or more of the purposes allowed by RCW 80.08.030;¹
- (2) A description of the proposed issuance, including the terms of financing;
- (3) A statement as to why the transaction is in the public interest.

5 RCW 80.08.040 further provides that any utility that makes such a filing may request the Commission to enter a written order establishing that the utility has complied with the requirements set out above. The statute requires the Commission to enter such an order when the utility has provided all information and statements as required.

6 We find that Avista has satisfied the statutory requirements. The Company's Application includes a description of the purposes for which the issuance is made, including a certification by an authorized officer that the proceeds will be used for one or more purposes allowed by RCW 80.08.030; a description of the proposed issuance, including the terms of financing; and a statement as to why the proposed sale of securities is in the public interest. Accordingly, we grant the Company's Application.

FINDINGS AND CONCLUSIONS

- 7 (1) The Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, rules, regulations, practices, accounts, securities, transfers of property and affiliated interests of public service companies, including

¹ RCW 80.08.030 provides that a public service company may issue stock for a limited number of purposes, including the construction, completion, extension, or improvement of its facilities, or the improvement or maintenance of its service.

electric companies.

- 8 (2) Under RCW 80.08.020, the power of public service companies to issue stocks and stock certificates or other evidence of interest or ownership, and bonds, notes, and other evidences of indebtedness and to create liens on their property situated within the State of Washington is a special privilege, the right of supervision, regulation, restriction, and control of which is and shall continue to be vested in the state, and such power shall be exercised as provided by law and under such rules and regulations as the Commission may prescribe.
- 9 (3) Avista is engaged in the business of providing electric and natural gas service within the state of Washington. As a public service company, it is subject to Commission jurisdiction.
- 10 (4) On March 21, 2022, Avista filed with the Commission a statement of a planned securities issuance and Application for an order affirming compliance with RCW 80.08.040. The Application includes: (1) a certification by an authorized officer that the proceeds will be used for one or more purposes allowed by RCW 80.08.030; (2) a description of the proposed issuance, including the terms of financing, and (3) a statement as to why the proposed sale of securities is in the public interest, consistent with the requirements set out in RCW 80.08.040.
- 11 (5) After reviewing the information and application Avista filed in Docket U-220184 on March 21, 2022, and giving due consideration, the Commission finds that Avista's Application meets the requirements of RCW 80.08.040.

ORDER

THE COMMISSION ORDERS:

- 12 (1) Avista Corporation d/b/a Avista Utilities has complied with the requirements of RCW 80.08.040 with respect to the proposals in its Application to issue and sell up to 3,500,000 shares of Common Stock (such shares being in addition to the 1,272,375 shares previously authorized by the Commission in Order 01, entered May 6, 2021, in Docket U-210230, that remain unissued, for a total of 4,772,375 additional shares).

- 13 (2) This Order shall in no way affect the authority of the Commission over rates, services, accounts, valuations, estimates, or determination of costs, or any matters that may come before it. Nor shall anything in this Order be construed as an agreement to any estimate or determination of costs, or any valuation of property claimed or asserted.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Lacey, Washington, and effective April 14, 2022.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL
Executive Director and Secretary