

Thank you, Mr. ffitch. My recollection is apparently in error. Given the timing of the proceeding, I think it would be better to set a date for briefs that could be cancelled if necessary. Given the limited time for the hearing and the likely narrow range of issues, it should be feasible to outline a brief and before the hearing and fine-tune it briefly afterwards. I am thus prone to suggest that briefs, if any, be required no later than the close of business on December 7. If any party has difficulty with that, please let me know. Be forewarned that there are scheduling issues that may significantly complicate matters if the order date is extended beyond January 1. Another option may include prehearing briefs, followed by brief arguments at the conclusion of the hearing.

Please also remember to copy the Records Center with correspondence relating to the hearing.

Thank you!

Bob Wallis

"ffitch, Simon \(ATG\)" <SimonF@ATG.WA.GOV>

11/06/2006 02:21 PM

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"Hon. Robert Wallis" <BobW@wutc.wa.gov>

<chuck\_eberdt@opportunitycouncil.org>,  
<efinklea@chbh.com>,  
<gtrautman@wutc.wa.gov>,  
<nglaser@nwenergy.org>,  
<ronaldroseman@comcast.net>, "Johnson,  
Steven \(ATG\)" <StevenJ@ATG.WA.GOV>,  
"Meyer, David"  
<David.Meyer@avistacorp.com>, "Greg  
Trautman" <gtrautma@wutc.wa.gov>

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Avista Decoupling UG-060518 revised  
schedule

Judge Wallis:

The prehearing conference order in the above-captioned matter, in the place for due date for briefs stated "none." It is correct that we did not discuss this in our phone conference with you. I am writing, with the concurrence of other parties, to clarify that when the parties discussed modifying the schedule among themselves there was no decision or agreement to dispense with briefs, it simply wasn't addressed. As noted, we then neglected to discuss it with you on our call. The prior schedule did provide for briefs to be filed December 26. The parties have communicated about this subsequent to the issuance of the order. There is no current consensus on whether post-hearing briefs are needed, with different opinions on the matter.

Given the terms of the prehearing order, we are comfortable waiting until the close of hearing to address whether briefs are requested by parties or the bench and by what deadline. The purpose of this email is simply to clarify that there was no agreement to affirmatively dispense with briefs.

Thank you.

***Simon ffitch***

Assistant Attorney General, Section Chief

Public Counsel

Washington Attorney General

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Seattle Washington 98104-3188

Office: (206) 389-2055

FAX: (206) 389-2079

Email: [simonf@atg.wa.gov](mailto:simonf@atg.wa.gov)

-----Original Message-----

**From:** Meyer, David [<mailto:David.Meyer@avistacorp.com>]

**Sent:** Monday, November 06, 2006 1:13 PM

**To:** ffitch, Simon (ATG); [nglaser@nwenergy.org](mailto:nglaser@nwenergy.org); Greg Trautman

**Cc:** [chuck\\_eberdt@opportunitycouncil.org](mailto:chuck_eberdt@opportunitycouncil.org); [efinklea@chbh.com](mailto:efinklea@chbh.com); [gtrautman@wutc.wa.gov](mailto:gtrautman@wutc.wa.gov); [ronaldroseman@comcast.net](mailto:ronaldroseman@comcast.net); Johnson, Steven (ATG)

**Subject:** RE: Avista revised schedule

Simon, I'm fine with you doing that, so long as you indicate that there is no consensus that briefs are even needed. David

**From:** ffitch, Simon (ATG) [<mailto:SimonF@ATG.WA.GOV>]

**Sent:** Monday, November 06, 2006 12:55 PM

**To:** [nglaser@nwenergy.org](mailto:nglaser@nwenergy.org); Greg Trautman; Meyer, David

**Cc:** chuck\_eberdt@opportunitycouncil.org; efinklea@chbh.com; gtrautman@wutc.wa.gov; ronaldroseman@comcast.net; Johnson, Steven (ATG)

**Subject:** RE: Avista revised schedule

I guess I am okay with that if we can clarify with the judge that there was no decision or agreement to dispense with briefs, it simply wasn't addressed. Any objection to my communicating this to Judge Wallis. I can do it via email and cc everyone.

-----Original Message-----

**From:** Nancy Glaser [mailto:nvglaser@nwenergy.org]

**Sent:** Monday, November 06, 2006 11:07 AM

**To:** Greg Trautman; Meyer, David

**Cc:** chuck\_eberdt@opportunitycouncil.org; efinklea@chbh.com; gtrautman@wutc.wa.gov; Nancy Glaser; ronaldroseman@comcast.net; ffitich, Simon (ATG); Johnson, Steven (ATG)

**Subject:** Re: Avista revised schedule

I'm fine with this decision to wait and see. Nancy

>-----Original Message-----

>>From: Greg Trautman [mailto:gtrautma@wutc.wa.gov]

>>Sent: Monday, November 6, 2006 08:45 AM

>>To: 'Meyer, David'

>>Cc: chuck\_eberdt@opportunitycouncil.org, efinklea@chbh.com,

>>gtrautman@wutc.wa.gov, 'Nancy Glaser', ronaldroseman@comcast.net,

>>'ffitich, Simon \ (ATG\)', 'Johnson, Steven \ (ATG\)'

>>Subject: RE: Avista revised schedule

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>>I also am not sure that briefs will be necessary, but if so, I agree that

>>we could set the schedule for briefs at the conclusion of the hearings.

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>

> "Meyer, David"

> <David.Meyer@avis

> tacorp.com> To

> "ffitich, Simon \ (ATG\)"

> 11/06/2006 08:27 <SimonF@ATG.WA.GOV>, "Nancy Glaser"

> AM <nvglaser@nwenergy.org>,

> <efinklea@chbh.com>,

> <ronaldroseman@comcast.net>,

> <gtrautman@wutc.wa.gov>, "Johnson,

> Steven \ (ATG\)"

> <StevenJ@ATG.WA.GOV>,

> <chuck\_eberdt@opportunitycouncil.or

> g>

> cc

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> Subject

> RE: Avista revised schedule

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>I'm not sure that briefs will be necessary; in any event, I believe that we  
>should wait to see how the hearings unfold and address this at the  
>conclusion of the hearings, to see if the Commissioners want briefs. David

>

>From: ffitc, Simon (ATG) [mailto:SimonF@ATG.WA.GOV]  
>Sent: Friday, November 03, 2006 4:32 PM  
>To: Meyer, David; Nancy Glaser; efinklea@chbh.com;  
>ronaldroseman@comcast.net; gtrautman@wutc.wa.gov; Johnson, Steven (ATG);  
>chuck\_eberdt@opportunitycouncil.org  
>Subject: Avista revised schedule

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>Counsel:

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>I note that the order revising the schedule in this case does not provide  
>for briefs. We did not address this in our mutual discussions of the  
>schedule, nor at the conference with the judge as I recall. I don't recall  
>an agreement to dispense with briefs, however, as the order seems to  
>reflect. My view is that we should either keep the prior date of 12/26, or  
>agree on another.

>

>Is there any objection to notifying the judge that we would like a date for  
>one round of briefs?

> -----Original Message-----

> From: Meyer, David [mailto:David.Meyer@avistacorp.com]  
> Sent: Monday, October 30, 2006 10:27 AM  
> To: Meyer, David; Gene Waas; ppyron@nwigu.org; ffitc, Simon (ATG);  
> Nancy Glaser; efinklea@chbh.com; ronaldroseman@comcast.net;  
> gtrautman@wutc.wa.gov; Johnson, Steven (ATG);  
> chuck\_eberdt@opportunitycouncil.org; jsteward@wutc.wa.gov;  
> mparvinen@wutc.wa.gov  
> Cc: Norwood, Kelly; Hirschhorn, Brian; Knox, Tara; Powell, Jon;  
> Townley, Tracy M  
> Subject: RE: Signature Version of Settlement

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> Here is the call-in information for our 11:00 a.m. call this morning  
> to discuss scheduling in the decoupling case:  
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> Phone Number: 1-877-232-4392  
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> Code: 860956  
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> David Meyer  
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> From: Meyer, David  
> Sent: Thursday, October 26, 2006 4:37 PM  
> To: 'Gene Waas'; 'ppyrone@nwigu.org'; 'ffitch, Simon (ATG)';  
> 'Nancy Glaser'; 'efinklea@chbh.com'; 'ronaldroseman@comcast.net';  
> 'gtrautman@wutc.wa.gov'; 'stevenj@atg.wa.gov';  
> 'chuck\_eberdt@opportunitycouncil.org'; 'jsteward@wutc.wa.gov';  
> 'mparvinen@wutc.wa.gov'  
>  
>  
> Cc: Norwood, Kelly; Hirschhorn, Brian; Knox, Tara; Powell, Jon;  
> Meyer, David; Townley, Tracy M  
> Subject: Signature Version of Settlement  
>  
>  
> Attached are the final versions of the Settlement Agreement and  
> accompanying attachments: (1) Illustration of Earnings Test; (2)  
> Illustration of DSM Test; and (3) the Tariff Schedule 159. (I have  
> also enclosed legislative-draft versions of the Settlement and Tariff  
> to show final edits received today from Nancy and Staff.)  
>  
>  
> Please fax your signature page directly to Greg Trautman at (360)  
> 586-5522 before 11:00am tomorrow morning, if possible, so that he can  
> arrange for the necessary filing of the Settlement with the  
> Commission. I will also advise Judge Wallis of the filing of the

> Settlement tomorrow. Thanks Greg for agreeing to do this.

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> I appreciate the efforts that have gone into this.

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> David

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> << File: Clean Final Settlement Agreement Decoupling 10 26 06.rtf

> >> << File: Final Settlement Agreement Decoupling 10 26 06.rtf >>

> << File: Attachment 1 Earnings Test .pdf >> << File: Attachment 2

> DSM.pdf >> << File: Attachment 3 Decoupling tariff10.26.06.rtf >>

> << File: Decoupling tariff.rtf >>

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