BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

|  |  |
| --- | --- |
| WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,  Complainant, v.AVISTA CORPORATION, d/b/a AVISTA UTILITIES,  Respondent.WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION, Complainant,v.AVISTA CORPORATION d/b/a AVISTA UTILITIES, Respondent. | DOCKETS UE-120436/UG-120437 (*consolidated)*DOCKETS UE-110876/UG-110877 *(consolidated)*COMMISSION STAFF RESPONSE TO NWEC MOTION TO WITHDRAW DECOUPLING PROPOSAL  |

1. On November 9, 2012, the NW Energy Coalition (NWEC) filed a “Motion to Withdraw Decoupling Proposal” (Motion). Commission Staff supports the Motion.
2. NWEC bases its Motion primarily on a term of the proposed Multiparty Settlement Stipulation in which Avista agrees not to support decoupling prior to January 1, 2015. As NWEC notes, per the Commission’s recent order involving Puget Sound Energy, Inc., the Commission will not impose decoupling over a company’s objection. NWEC Motion at 2, ¶ 2 (citing Order 08 in Dockets UE-111048 and UG-1111049 (May 7, 2012) at 167, ¶ 456).
3. Of course, the Commission has not yet decided whether to approve that Settlement Stipulation, so technically, that term is not yet binding. However, the language of the Settlement Stipulation NWEC relies on makes Avista’s position clear, and Avista elsewhere on the record has stated it is not requesting decoupling. E.g., Ehrbar, Exh. No. \_\_\_ (PDE-9T) at 3, lines 7-8.
4. Therefore, there is a sufficient basis for the Commission to grant NWEC’s Motion.

 Dated this 14th day of November 2012.

Respectfully submitted,

ROBERT M. MCKENNA

Attorney General

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DONALD T. TROTTER

Assistant Attorney General

Counsel for Washington Utilities and

Transportation Commission Staff