

Judge Wallis:

Thank you for your response your honor. We would support the adoption of a briefing outline prior to the hearing, however, Public Counsel would recommend post-hearing rather than pre-hearing briefs, given that the rebuttal testimony comes in only one week before hearing and time will already be tight for hearing preparation. We would request a slightly longer period than December 7 post-hearing. It would be difficult for parties to prepare a quality product in two days, and the transcript is unlikely to be available so soon. Public Counsel would request that briefs be due no sooner than one week after hearing, on December 12.

Simon ffitich
Assistant Attorney General, Section Chief
Public Counsel
Washington Attorney General
800 Fifth Avenue, Suite 2000
Seattle Washington 98104-3188

Office: (206) 389-2055
FAX: (206) 389-2079
Email: simonf@atg.wa.gov

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

From: Bob Wallis [mailto:bwallis@wutc.wa.gov]
Sent: Monday, November 06, 2006 3:08 PM
To: ffitich, Simon (ATG)
Cc: Hon. Robert Wallis; chuck_eberdt@opportunitycouncil.org; Meyer, David; efinklea@chbh.com; Greg Trautman; gtrautman@wutc.wa.gov; nglaser@nwenergy.org; ronaldroseman@comcast.net; Johnson, Steven (ATG)
Subject: Re: Avista Decoupling UG-060518 revised schedule

Thank you, Mr. ffitich. 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

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(ATG\
) "
<SimonF@ATG.WA.GO
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"Hon. Robert Wallis"
<BobW@wutc.wa.gov>
11/06/2006 02:21
cc
PM
<chuck_eberdt@opportunitycouncil.or
g>, <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>
Subject
revised
Avista Decoupling UG-060518
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.

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

From: Meyer, David [mailto:David.Meyer@avistacorp.com]
Sent: Monday, November 06, 2006 1:13 PM
To: ffitich, Simon (ATG); nglaser@nwenergy.org; Greg Trautman
Cc: chuck_eberdt@opportunitycouncil.org; efinklea@chbh.com;
gtrautman@wutc.wa.gov; 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: ffitich, Simon (ATG) [mailto:SimonF@ATG.WA.GOV]
Sent: Monday, November 06, 2006 12:55 PM
To: 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:nglaser@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

>

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

does

not provide

discussions

>for briefs. We did not address this in our mutual

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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>

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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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26

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> << File: Clean Final Settlement Agreement Decoupling 10
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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