

DECISION MEMORANDUM

TO: COMMISSIONER ANDERSON
COMMISSIONER HAMMOND
COMMISSIONER LODGE
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: CHRIS BURDIN
DEPUTY ATTORNEY GENERAL

DATE: AUGUST 1, 2023

SUBJECT: IN THE MATTER OF THE APPLICATION OF AVISTA CORPORATION FOR THE AUTHORITY TO INCREASE ITS RATES AND CHARGES FOR ELECTRIC AND NATURAL GAS SERVICE TO ELECTRIC AND NATURAL GAS CUSTOMERS IN THE STATE OF IDAHO; CASE NOS. AVU-E-23-01; AVU-G-23-01.

On February 1, 2023, Avista Corporation (“Company”) filed an application (“Application”) with the Idaho Public Utilities Commission (“Commission”) requesting authorization to increase its rates for both Electric and Natural Gas service. The Company requested a September 1, 2023, effective date.

On February 21, 2023, the Commission issued a Notice of Application and Notice of Intervention Deadline. Order No. 35684. Subsequently, the Commission granted intervention to Clearwater Paper Corporation, Idaho Forest Group LLC, Walmart Inc., and the Idaho Conservation League and NW Energy Coalition jointly. Order Nos. 35704, 35713, and 35719.

On April 12, 2023, the Commission issued a Notice of Schedule, Notice of Virtual Public Workshop, and Notice of Technical Hearing. Order No. 35736. The Commission set a June 14, 2023, Commission Staff (“Staff”) and Intervenor written testimony deadline, and a July 12, 2023, Company Rebuttal written testimony deadline. *Id.*

On June 1, 2023, Staff, the Company, and all Intervenors participated in a settlement conference. Based upon that settlement conference, on June 6, 2023, Staff requested that the Commission vacate the deadlines for written testimony, and the Commission issued an Order Vacating Testimony Deadlines. Order No. 35808.

On June 14, 2023, Staff and the Company filed a Stipulation and Settlement (“Proposed Settlement”), and a Motion for Approval of Stipulation and Settlement (“Motion”). The Proposed Settlement was signed by Staff, the Company, and intervenors Clearwater Paper Corporation, Idaho Forest Group LLC, and Walmart Inc. (“Signing Parties”). Intervenors Idaho Conservation League and NW Energy Coalition did not sign the Proposed Settlement. The Motion requested that the Commission revise the procedural schedule to set the deadline for filing testimony in support of, or in opposition to, the Proposed Settlement on July 12, 2023, and set a July 26, 2023, deadline for any rebuttal testimony by the Signing Parties.

On July 6, 2023, the Commission issued a Notice of Proposed Settlement, Notice of Amended Schedule, Notice of Customer Hearings, Notice of Technical Hearing, and Notice of Public Comment Deadline. Order No. 35844. The Commission set an initial testimony filing date of July 12, 2023, and a rebuttal testimony filing date of July 26, 2023. *Id.* The Commission scheduled customer hearings in Lewiston and Coeur d’Alene, Idaho, on July 25, 2023, and a customer hearing in Sandpoint, Idaho, on July 26, 2023. The Commission also set a July 26, 2023, deadline for public comments on the Proposed Settlement.

REQUEST FOR REMOTE APPEARANCE

On July 24, 2023, Intervenors Idaho Conservation League and NW Energy Coalition filed a Request for Permission for ICL/NWEC Witness Lauren McCloy to Appear Remotely (“Motion”). The Motion provides in relevant part:

On July 12, 2023, ICL/NWEC filed the direct inquiry of witness Lauren McCloy in opposition to the Settlement, predominately focusing on rate design issues. Testimony in support of the settlement by Staff and the Company also addressed rate design issues.

However, in-person attendance at the technical hearing by witness Lauren McCloy is infeasible. Ms. McCloy resides in rural Washington several hours drive from the nearest commercial airport. She is also responsible for a very young child, making travel difficult without substantial notice. While ICL/NWEC acknowledge that Order No. 35844 establishes a substantially similar date(s) for the technical hearing as the original procedural schedule, ICL/NWEC had no way of knowing that the Commission would establish the hearing on those days once the original procedural schedule was vacated.

ICL/NWEC also acknowledge that the Commission recently noted the value of in-person attendance at technical hearings to afford Parties of the full privilege of cross-examination and allow questioning by the Commission. ICL/NWEC recognize these values. Nonetheless, in lieu of in-person testimony by

Ms. McCloy, remote testimony, cross examination, and questioning best serves the development of a complete record and the public interest in this case.


To anticipate and accommodate the rights and privileges of parties, ICL/NWEC conferred with counsel for Staff, the Company, and the intervenor parties on their intention to cross-examine witness McCloy prior to this request. For its part, the Company stated it had no objection to Ms. McCloy appearing remotely. Intervenor Clearwater Paper also indicated it had no objection. No other party responded to the inquiry.

While in-person testimony and cross-examination undoubtedly provides for the greatest exchange of information and development of the record, much of the value of in-person testimony can be accommodated by remote testimony. Audio/video conferencing allows for cross-examination and questioning by interested parties. If this request is granted, ICL/NWEC offers to coordinate with Staff, counsel for parties, and presiding officer of the technical hearing to address audio/video issues and conduct Ms. McCloy's appearance in a preferred remote format.

Motion at 2-3 (footnotes omitted).

COMMISSION DECISION

Does the Commission wish to grant or deny the Motion?



Chris Burdin
Deputy Attorney General

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