

## **Information for Potential Intervenors – Costs and Burdens<sup>1</sup>**

*In the Matter of the Petition of Sierra Club, et al., Petition for an Adjudicatory Proceeding Relating to the Prudence of Continued Investments in Colstrip Plant Units 1 and 2. UTC Dkt. No. UE-151592*

August 11, 2015

### **Nature and Stages of Proceeding**

The proceeding will be conducted as an “adjudication” under the Washington Administrative Procedure Act (APA). Pursuant to the APA (RCW 34.05) and Commission rules (WAC 480-07), and as envisioned by the petitioners, such a proceeding would include the following stages:

- Prehearing conference, likely in early to mid-September 2015;
- Discovery, which is controlled by the assigned administrative law judge (ALJ);
- One or two settlement conferences (probably well into the process, likely December or early 2016);
- Pre-filed testimony by parties, usually in two or three rounds;
- Evidentiary hearing (uncertain duration, probably 2-4 days, in late Winter or Spring 2016);
- Possible public comment hearings; and
- Post-hearing briefs and possibly briefs earlier in the process.

### **Anticipated Participation by Intervenors**

Intervenors likely do not need to participate in all aspects of the proceeding. Because the petitioners are retaining expert witnesses, they will bear the brunt of preparation of pre-filed direct and responsive testimony and conducting and responding to discovery. (Parties who do not submit testimony are very unlikely to receive any discovery questions.) Petitioners also would prepare and file a comprehensive post-hearing brief. Also, typically, intervenors need not participate in public comment hearings.

Accordingly, petitioners believe that, *at most*, intervenors need participate only in the following:

- Prehearing conference (2-3 hours in Olympia);
- Settlement conferences (2-4 hours each, probably in Olympia)
- Evidentiary hearings (2-4 days, in Olympia); and
- Post-hearing briefs.

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<sup>1</sup> Sierra Club is providing this information based on its general understanding and interpretation of the rules and procedures of the Washington Utilities and Transportation Commission. This information does not constitute legal advice and neither Sierra Club nor its attorneys in this matter are proposing to establish any form or attorney-client relationship.

However, the commitment required by these processes may be limited further because:

- Intervenors could collaborate and agree that one attorney would represent all intervenors, subject to waivers of any potential conflicts among the intervenors;
- Briefs could incorporate by reference arguments of the Petitioners (the ALJ likely would prefer this anyway); and
- Subject to permission granted by the ALJ, it may be possible to not appear at all or part of the evidentiary hearings (or appear by telephone).