

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In Re the Petition of)	
)	
CASCADE NATURAL GAS)	
CORPORATION)	DOCKET NO. UG-950326
)	
For an Order Determining the)	
Ratemaking Treatment of)	
Certain Special Contracts)	
.)	
)	
WASHINGTON UTILITIES AND)	
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	DOCKET NO. UG-951415
)	
v.)	
)	COMPLAINT AND ORDER SUSPENDING
CASCADE NATURAL GAS)	TARIFF REVISIONS; ORDER
CORPORATION,)	INSTITUTING INVESTIGATION;
)	AND, ORDER OF CONSOLIDATION
Respondent.)	
.)	

SUMMARY

PREHEARING CONFERENCE: A prehearing conference was held on the above captioned and docketed matters involving Cascade Natural Gas Corporation (Cascade) on February 15, 1996. At hearing, petitions to intervene were considered; the presiding administrative law judge denied the petition to intervene of Northwest Natural Gas Company (Company). The Second Supplemental Order on Prehearing Conference (Order), entered February 26, 1996, required objections to matters resolved at the prehearing conference to be filed within ten days of the Order.

OBJECTION: On May 7, 1996, the Company filed with the Commission its objection to the Order's denial of its petition to intervene. Commission Staff answered the Company's objection on March 18, 1996. The Company filed a March 22, 1996 reply in support of its objection to the Order.

COMMISSION: The Commission affirms the Order's denial of intervention and rejects the Company's objection to the Order.

MEMORANDUM

I. Petition to Intervene

In its petition to intervene, the Company states generally that it has an "interest" in the issues of rate design, cost allocation, rate of return, and treatment of special contract revenues that are raised in these consolidated proceedings. And, that both the Company and its customers have an interest in the outcome of this proceeding that cannot be adequately represented by any other party to the proceeding.

citing the Commission's rules governing interventions and prehearing conferences.¹ More importantly, the Company states its principal reason for intervention is that Commission decisions on facts and policies in other natural gas local distribution companies' (LDCs) cases have been urged by parties to the Company's proceedings as equally applicable to it, thereby making negotiations with parties on those issues difficult. Therefore, the Company must intervene in order to protect its ability in future proceedings to assert its views on issues arising in the Cascade case, because experience has shown a more prospective and active role, in shaping guidelines which could be applied equally to it, is warranted.

II. Commission Discussion and Decision

WAC 480-09-430 governs 1) general interventions by those not proposing to "broaden the issues" and 2) special interventions by those who do propose to broaden the issues, accompanied by an affidavit supporting special intervention. It is not clear either from the petition to intervene, or subsequent pleadings supporting intervention, which type of intervention is being proposed. In its petition, the Company states it will not "raise any specific issues at this time, but reserves its right to respond as the record develops." In its objection to the Order, the Company states its participation "will not unreasonably broaden the issues." Finally, its reply memorandum states intervention is necessary "to protect its ability to assert its views on issues that may arise and decisions [in this case] that may be applied to NNG in the future." The Commission is left to discern from the totality of the Company's pleadings in support of intervention which type of intervention is sought.

The rule further provides the Commission may grant intervention if the petitioner discloses a "substantial interest in the subject matter of the hearing, or if the participation of the petitioner is in the public interest."² (Emphasis supplied.) The Commission does not believe the Company adequately states a basis for intervention grounded in either of these criteria.

Finally, the Commission is dubious of the Company's argument that it must be allowed to intervene and have its say on the factual and policy issues posited by Cascade's filings here.

¹ The Company claims it is not a "party" whose attendance is required at the prehearing conference pursuant to the Commission's Notice of Hearing (WAC 480-09-460) until it is granted intervention at which time it obtains party status (WAC 480-09-430(3)).

² RCW 34.05.443 provides for intervention upon a determination that the petitioner "qualifies" and "will not impair the orderly and prompt conduct of the proceedings."