

NORTHWEST



NATURAL GAS COMPANY

ONE PACIFIC SQUARE
220 N.W. SECOND AVENUE • PORTLAND, OREGON 97209

LAWRENCE REICHMAN
Associate Counsel
DID: (503) 220-2404
FAX: (503) 721-2516

March 7, 1996

**VIA FACSIMILE AND
FIRST CLASS MAIL**

Steve McLellan
Secretary
Washington Utilities and
Transportation Commission
1300 S. Evergreen Pk Dr SW
Olympia, WA 98504-0128

**Re: WUTC vs. Cascade Natural Gas Corporation; Objection to Second
Supplemental Order on Prehearing Conference and Denial of Petition to
Intervene and Motion for Reconsideration; Docket: UG 951415**

Dear Mr. McLellan:

Enclosed with the mailed version of this letter are an original and nineteen copies of Northwest Natural Gas Company's Objection in Docket No. UG 951415, WUTC vs. Cascade Natural Gas Corporation. One copy is enclosed with the facsimile version of this letter. Administrative Law Judge Terrence Stapleton has approved filing in this manner. A copy of this Objection has been served by facsimile and mail upon all parties of record in this proceeding.

Please call me if you have any questions.

Sincerely yours,

Lawrence Reichman

LHR:lt

cc: S.K. Ackerman
K.H. Evans
B.B. Samson
Service List

c:\...lhr\196

STATE OF OREGON
UTILITY COMMISSION

96 MAR 12 10:46

RECEIVED

BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

Washington Utilities and Transportation Commission,)	
)	
)	UG-951415
)	
Complainant,)	OBJECTION TO SECOND
)	SUPPLEMENTAL ORDER ON
vs.)	PREHEARING CONFERENCE AND
)	DENIAL OF PETITION TO
Cascade Natural Gas Corporation,)	INTERVENE AND MOTION
)	FOR RECONSIDERATION
)	
Respondent.)	

Northwest Natural Gas Company (“NNG”) respectfully files this Objection to the Second Supplemental Order on Prehearing Conference (“Order”) in which the Administrative Law Judge denied Northwest Natural Gas Company’s Petition to Intervene (“Petition”) in this proceeding, and moves for reconsideration of that part of the Order.

The Order states that Commission Staff objected to NNG’s Petition on grounds that NNG “failed to state an interest in this proceeding which would support intervention” and that Public Counsel supported that objection. The Order also states that NNG did not enter an appearance at the prehearing conference. Neither of these is a valid reason for denying NNG’s Petition.

As stated in the Petition, NNG is a natural gas utility operating in Washington. As a result, NNG has an undeniable interest in the issues of rate design, cost allocation, rate of return, and the treatment of special contract revenues that are

raised in this proceeding. NNG certainly satisfies the requirement of WAC 480-09-430(3) that an intervenor have “a substantial interest in the subject matter of the hearing.” In addition, Respondent Cascade Natural Gas does not object to NNG’s intervention.

It is inconceivable to NNG that Commission Staff could assert that another natural gas utility operating in Washington and regulated by the Washington Utilities and Transportation Commission does not have an interest in this proceeding sufficient to support intervention. Moreover, NNG had no prior notice of Commission Staff’s objection to NNG’s Petition, or of Public Counsel’s support of that objection, at any time prior to issuance of the Order. Accordingly, it is unfair to deny NNG’s Petition on that ground.

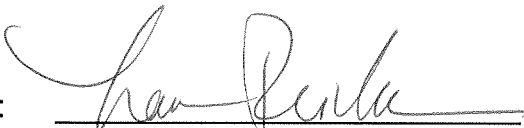
It is true that NNG did not appear at the prehearing conference. In fact, one of NNG’s Senior Rate Analysts planned to attend, but he was sick with the flu and substitute arrangements could not be made. In any event, there was no requirement that NNG appear at the prehearing conference, nor is NNG’s failure to appear grounds for denial of its Petition. Indeed, WAC 480-09-430(3) states: “Intervention may be granted in the absence of appearance by petitioner.” As stated in the Notice of Prehearing Conference, the purpose of that conference was to consider formulating the issues in the proceeding and determining other matters to aid in its disposition. In addition, Respondent was expected to distribute copies of direct testimony and exhibits at that hearing. The Notice of the Prehearing Conference also states that petitions to intervene should be made in writing prior to that day or made orally at that time. Nothing in the Notice required NNG to appear, nor is NNG’s failure to appear at that

conference grounds for denial of its Petition.

NNG has a strong, legitimate interest in the issues raised in this proceeding and its Petition should be granted. NNG does not believe that its participation in this proceeding will unreasonably broaden the issues, burden the record, or delay the proceeding. Denial of the Petition is simply arbitrary, unreasonable, and unwarranted. Accordingly, the Administrative Law Judge should reconsider the Order and grant Northwest Natural's Petition to Intervene.

Dated this 7th day of March, 1996.

NORTHWEST NATURAL GAS COMPANY

By: 
Lawrence Reichman
Associate Counsel

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the attached Objection to Second Supplemental Order on Prehearing Conference and Denial of Petition to Intervene and Motion for Reconsideration upon all parties of record in Docket UG-951415 by facsimile to the indicated mailings and by mailing a copy thereof, properly addressed with first-class postage prepaid, to the parties or attorneys of parties on the following list:

John T. Stoltz
Senior Vice President
Cascade Natural Gas
Rates and Planning
PO Box 24464
Seattle, WA 98124

John L. West
Miller Nash Wiener Hager
& Carlsen
4400 Two Union Square
601 Union Street
Seattle, WA 98101
Fax No.: (206) 622-7485

Robert Cederbaum
Assistant Attorney General
Washington Utilities and
Transportation Commission
State Mail Stop 40128
1300 S. Evergreen Pk Dr SW
Olympia, WA 98504-0128
Fax No.: (360) 586-5522

Robert F. Manifold
Assistant Attorney General
Office of the Attorney General
Public Counsel
900 4th Avenue Suite 2000
Seattle, WA 98164
Fax No.: (206) 389-2058

DATED this 7th day of March, 1996.

NORTHWEST NATURAL GAS COMPANY

By:



Lawrence Reichman
Associate Counsel

c:\...Nhr\195