

[Service Date August 25, 2006]

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND	)	DOCKET UG-060256
TRANSPORTATION COMMISSION,)	
)	
Complainant,)	
	)	NOTICE OF PREHEARING
v.	)	CONFERENCE; NOTICE OF
	)	POSSIBLE CONSOLIDATION
CASCADE NATURAL GAS	)	(Set for September 14, 2006 at 9:30
CORPORATION,	)	a.m.)
)	
Respondent.)	
)	
.....)	
)	
COST MANAGEMENT SERVICES,	)	DOCKET UG-061256
INC.,)	
)	
Complainant,	)	NOTICE OF PREHEARING
	)	CONFERENCE; NOTICE OF
v.	)	POSSIBLE CONSOLIDATION
	)	(Set for September 14, 2006 at 9:30
CASCADE NATURAL GAS	)	a.m.)
CORPORATION,)	
)	
Respondent.)	
)	
.....)	

1 On August 1, 2006, Cost Management Services, Inc. (CMS), filed with the Washington Utilities and Transportation Commission (Commission) a complaint against Cascade Natural Gas Corporation (Cascade). The complaint asserts that Cascade is violating state and federal law by selling natural gas at retail to customers that take transportation only service. On August 22, 2006, Cascade filed an answer to the complaint. Cascade requests that the Commission dismiss the complaint or not conduct an adjudicative hearing.

- 2 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under Title 80, and has legal authority to regulate gas companies. The statutes that apply to this matter include chapters 80.01 RCW, 80.04 RCW and 80.28 RCW relating to rates, including but not limited to RCW 80.28.010RCW 80.01.040, RCW 80.04.020, RCW 80.28.050, RCW 80.28.090, and RCW 80.28.100. The rules that apply to this matter include those within chapter 480-90 WAC, relating to the operations of gas companies.
- 3 The Commission will hear this matter under the Administrative Procedure Act (APA), particularly Part IV of chapter 34.05 RCW relating to adjudications. The provisions of the APA that relate to this proceeding include but are not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission will also follow its procedural rules in chapter 480-07 WAC in this proceeding.
- 4 **THE COMMISSION GIVES NOTICE That it will hold a prehearing conference in this matter at 9:30 a.m., on September 14, 2006, in Room 108 of the Commission's headquarters, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. Parties unable to appear may enter their appearance via the Commission's teleconference bridge, by calling 360-664-3846 five minutes prior to the time of the prehearing conference.**
- 5 The purpose of the prehearing conference is to consider requests for interventions, resolve scheduling matters including establishing dates for distributing of evidence and work papers, to identify the issues in the proceeding and determine other matters to assist the Commission in resolving the matter, as listed in WAC 480-07-430.
- 6 One of the issues to be discussed is whether to consolidate this docket with Docket UT-060256, Cascade Natural Gas's rate case. CMS has raised issues in the rate case docket similar to those raised in the complaint in this docket.
- 7 **INTERVENTION:** Persons who wish to intervene should file a petition to intervene in writing at least three business days before the date of the prehearing conference. *See, WAC 480-07-355(a).* The Commission will consider oral petitions to intervene during the conference, but strongly prefers written petitions to intervene. Party representatives must file a notice of appearance with the Commission no later than the business day before the conference. *See, WAC 480-07-345(2).* If any party or

witness needs an interpreter or other assistance, they should fill out the form attached to this notice and return it to the Commission. The Commission will set the time and place for any evidentiary hearings at the prehearing conference, on the record of a later conference or hearing session, or by later written notice.

8 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440. The Commission specifically invokes the sanction provisions of WAC 480-07-450 which allow the Commission to seek penalties for a party in default.**

9 The names and mailing addresses of all known parties and their known representatives are as follows:

Complainant: Cost Management Services, Inc.
P. Douglas Betzold
Chief Executive Officer
2737 – 78th Avenue SE
Mercer Island, WA 98040
(206) 236-8808

Representative: John A. Cameron
Davis Wright Tremaine LLP
1300 SW Fifth Avenue
Suite 2300
Portland, OR 97201
(503) 241-2300
johncameron@dwt.com

Respondent: Cascade Natural Gas
James Van Nostrand
Stoel Rives LLP
900 SW Fifth Avenue
Suite 2600
Portland, OR 97204
(503) 294-9679
jmvannostrand@stoel.com

Other Parties

In UG-060256: International Chemical Workers Union Local 121-C
Vincent J. Diaz
1095 Makah Place
Fox Island, WA 98333

Northwest Industrial Gas Users
Edward A. Finklea
Chad M. Stokes
Cable Huston Benedict
Haagensen & Lloyd LLP
1011 SW Fifth Avenue
Suite 2000
Portland, OR 97204-1136
(503) 224-3092
efinklea@chbh.com
cstokes@chbh.com

NW Energy Coalition
Nancy Glaser
Danielle Dixon
219 First Avenue South
Suite 100
Seattle, WA 98104
206) 621-0094
nglaser@nwenergy.org
danielle@nwenergy.org

The Energy Project
Brad M. Purdy
Attorney at Law
2019 N. 17th Street
Boise, ID 83702
(208) 384-1299
bmpurdy@hotmail.com

Mint Farm Energy Center LLC
Scott, Magie, Project Director
Longview, WA 98632
(605) 359-0200
smmagie@mintfarmenergy.com

Public Counsel: Judy Krebs
Public Counsel Section
Office of Attorney General
900 Fourth Avenue
Suite 2000
Seattle, WA 98164-1012
(206) 464-6595
judyk@atg.wa.gov

Commission Staff: Greg Trautmann
Assistant Attorney General
1400 S. Evergreen Park Drive SW
PO Box 40128
Olympia, WA 98504-0128
(360) 664-1187
gtrautma@wutc.wa.gov

10 Administrative Law Judge Ann Rendahl, from the Commission's Administrative Law Division, will preside during this proceeding. The Commissioners of the Washington Utilities and Transportation Commission may also preside.

- 11 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective August 25, 2006.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN
Executive Secretary

Inquiries may be addressed to:

Secretary
Washington Utilities and
Transportation Commission
Chandler Plaza Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

- or - Public Counsel Section
Office of the Attorney General
900 Fourth Avenue, Suite 2000
Seattle, WA 98164-1012
(206) 464-7744

NOTICE

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington Utilities and Transportation Commission, Attention: Carole J. Washburn, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____
Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____