

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

THE PUBLIC COUNSEL SECTION OF)	
THE OFFICE OF THE WASHINGTON)	DOCKET NO. U-030744
ATTORNEY GENERAL,)	
)	
Complainant,)	NOTICE OF PREHEARING
)	CONFERENCE
v.)	(August 11, 2003)
)	
CASCADE NATURAL GAS)	
CORPORATION, AND PACIFICORP)	
D/B/A PACIFIC POWER & LIGHT)	
COMPANY,)	
)	
Respondents.)	
.....)	

1 On May 22, 2003, the Public Counsel Section of the Office of the Attorney General (Complainant) filed with the Commission a complaint against Cascade Natural Gas Corporation, and PacifiCorp d/b/a Pacific Power & Light Company (Respondents), regarding the proper regulatory treatment of a Franchise Ordinance imposed on the respondents by the Yakama Indian Nation. The Complainant alleges that the Respondents were imprudent in failing to challenge the franchise fee on federal law grounds, or in the alternative, in failing to challenge the franchise fee on state law grounds, or both, and that the respondents have charged customers on the Yakama reservation an amount in excess of the lawful rate that would have been in effect absent the violation. A more detailed account of the dispute is reflected in the complaint, which is available for inspection at the Commission's offices located at Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, and on the Commission's web site at www.wutc.wa.gov/030744. Respondents have filed answers to the complaint, which are also on file and available for review. The matters raised in the pleadings will be considered in hearing proceedings before the Commission.

- 2 Hearing in this matter is being held pursuant to Part IV of chapter 34.05 RCW pertaining to adjudicative proceedings, including but not limited to RCW 34.05.413, RCW 34.05.431, RCW 34.05.440, RCW 34.05.443, RCW 34.05.449, RCW 34.05.452 and RCW 34.05.455. The Commission has jurisdiction over this matter pursuant to Title 80 RCW, having legal authority to regulate the rates, services, and practices of electric utilities. Statutes and rules cited in the complaint include RCW 80.01.040, RCW 80.04.110, RCW 80.28.010, and RCW 80.28.020. In addition to the foregoing, statutes and rules involved include those within chapters 80.04 and 80.28 RCW and chapters 480-09, 480-90 and 480-100 WAC. The issues involved are generally stated above and more specifically contained in the pleadings herein.
- 3 There is a related matter pending adjudication in the Superior Court for Yakima County.¹ The Court has scheduled the presentation of orders in its pending case for July 28, 2003. The Commission finds that it will promote efficient use of the parties' resources and judicial efficiency to schedule the first prehearing conference in this proceeding after that date. Accordingly, notice is given below that the first prehearing conference will be held on August 11, 2003.
- 4 **Discovery.** Parties may wish to begin discovery in this proceeding before the prehearing conference. The proceeding qualifies under WAC 480-09-480 as a proceeding in which inquiries may be made to the extent provided in the rule. The discovery rule is invoked.
- 5 **NOTICE IS GIVEN That a prehearing conference in this matter will be held at 1:30 p.m., on Monday, August 11, 2003, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. The Commission requires in this case that parties appear at the prehearing conference in person through one or more representatives. The Commission's teleconference bridge line will be available for monitoring purposes only.**
- 6 The purpose of the prehearing conference is to consider formulating the issues in the proceeding, and to determine other matters to aid in its disposition, as

¹ *In the Matter of Elaine Willman and the Citizen's Standup! Committee v. Washington Utilities and Transportation Commission, Cascade Natural Gas Corporation, and PacifiCorp, d/b/a Pacific Power and Light Company*, Yakima County Superior Court No. 03-2-000867

specified in WAC 480-09-460. Petitions to intervene should be made in writing prior to the hearing date or made orally at the hearing. The time and place for the evidentiary hearing will be set at the prehearing conference or by later written notice. Appearances will be taken.

7 If any party or witness needs an interpreter or other assistance, please fill out the form attached to this notice and return it to the Commission.

8 NOTICE IS FURTHER GIVEN THAT ANY PARTY WHO FAILS TO ATTEND OR PARTICIPATE IN THE HEARING SET BY THIS NOTICE, OR ANY OTHER STAGE OF THIS PROCEEDING, MAY BE HELD IN DEFAULT IN ACCORDANCE WITH RCW 34.05.440. THE PARTIES ARE FURTHER ADVISED THAT THE SANCTION PROVISIONS OF WAC 480-09-700(4) ARE SPECIFICALLY INVOKED.

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

Complainant/Public Counsel:	Simon ffitch Office of Attorney General 900 Fourth Avenue, Suite 2000 Seattle, WA 98164-1012 (206) 389-2055
Respondent:	Cascade Natural Gas Corporation 222 Fairview Avenue North Seattle, WA 98109-5312
Representative:	Mary E. Crego Attorney at Law Hillis Clark Martin & Peterson, P.S. 500 Galland Building 1221 Second Avenue Seattle, WA 98101-2925 (206) 623-1745
Respondent:	PacifiCorp d/b/a Pacific Power & Light Company

825 N.E. Multnomah
Portland, OR 97232

Representative:

James Van Nostrand
Attorney at Law
Stoel Rives, LLP
600 University Street, Suite 3600
Seattle, WA 98101-3197
(206) 386-7665

- 10 Dennis J. Moss has been designated as the Administrative Law Judge from the Utilities and Transportation Commission's Administrative Law Division, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-7250, and will preside at the prehearing conference.
- 11 Notice of any other procedural phase will be given in writing or on the record as the Commission may deem appropriate during the course of this proceeding.

DATED at Olympia, Washington and effective this 27th day of June, 2003.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

CAROLE J. WASHBURN
Executive Secretary

Inquires may be addressed to:

Executive 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 Attorney General
900 Fourth Avenue, Suite 2000
Seattle, WA 98164-1012
(206) 464-7744

NOTICE

PLEASE BE ADVISED that the hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and that if limited English-speaking or 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.

The information needed to provide an appropriate interpreter or other assistance should be designated below and returned to:

Carole J. Washburn, Executive Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive S.W.
P. O. Box 47250
Olympia, WA 98504-7250.

(SUPPLY ALL REQUESTED INFORMATION)

Docket No.: **U-030744**

Case Name: **Public Counsel v. Cascade Natural Gas & PacifiCorp**

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) (No)

Do you need a certified sign language interpreter: (Yes) (No)

Visual _____ Tactile _____

Other type of assistance needed: _____

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

Name: _____

Address: _____

Phone No.: (____) _____