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

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20 WASHINGTON UTILITIES AND
21 TRANSPORTATION COMMISSION,

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23 Complainant,

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25 v.

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27 CASCADE NATURAL GAS
28 CORPORATION,

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30 Respondent.
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Docket No. UG-070332

RESPONDENT'S RESPONSE TO MOTION
TO CONSOLIDATE OF COST
MANAGEMENT SERVICES, INC.

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34 1. Respondent Cascade Natural Gas Corporation ("Cascade") respectfully submits this
35 response to the Motion to Consolidate this docket with Docket No. UG-061256 (the
36 "Complaint docket"), filed by Cost Management Services, Inc. ("CMS") on March 12, 2007
37 (the "Motion").¹ The Commission should deny CMS's Motion for several reasons.²
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46 ¹ CMS raised several other issues in the Motion, to which Cascade will respond in different documents, as
47 indicated in the letter Cascade's counsel filed with the Commission on March 14, 2007.

² Cascade is filing a similar response to the Motion in the Complaint docket.

RESPONDENT'S RESPONSE TO MOTION
TO CONSOLIDATE OF COST
MANAGEMENT SERVICES, INC.. – 1

32032-0004/LEGAL13103626.1

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1 2. First, the Commission has already decided all of the issues that CMS has raised and
2 may raise in the Complaint docket. Cascade thinks that the Commission should, therefore,
3 close the Complaint docket. See Motion for Clarification in Docket No. UG-061256, filed
4 on this date. If the Commission agrees with Cascade and closes the Complaint docket, then
5 there would not be two dockets to consolidate and the Motion to Consolidate should be
6 denied. For this reason, Cascade suggests that the Commission decide CMS's Motion to
7 Consolidate after it has decided the issues raised in Cascade's Motion for Clarification in the
8 Complaint docket.
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10 3. Second, Cascade has opposed CMS's Petition to Intervene in this docket, Docket No.
11 UG-070332 (the "Tariff docket"). If the Commission denies CMS intervention in this
12 docket, then it would be inappropriate to consolidate the two dockets because the
13 Commission will have determined that CMS has no substantial interest in Cascade's tariff
14 filing or that the Commission does not have jurisdiction to consider the impact of the
15 proposed tariffs on CMS. For this reason, Cascade suggests that the Commission decide
16 CMS's Motion to Consolidate after it has also decided CMS's Petition to Intervene in this
17 docket.
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19 4. Third, even if the Commission does not close the Complaint docket and grants
20 CMS's Petition to Intervene in the Tariff docket, the Commission should still deny the
21 Motion to Consolidate because the facts or principles of law in these two proceedings are
22 not related. WAC 480-07-320. As discussed in more detail in Cascade's Motion for
23 Clarification in the Complaint docket, the only issue CMS raised in the Complaint docket is
24 whether Cascade's sales of unbundled gas supply are covered by Cascade's FERC blanket
25 marketing certificate or whether Cascade must make those sales pursuant to tariffs and
26 contracts filed with the Commission. CMS did not ask the Commission to decide the further
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1 question: if Cascade is required to make these sales pursuant to tariffs, what should the
2 terms of those tariffs be?
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5 5. The only issue that Order 03 in the Complaint docket left open for hearing is whether
6 Cascade's *existing* contracts for gas supply unduly discriminate among its gas supply
7 customers. As discussed in Cascade's Motion for Clarification in the Complaint docket,
8 Cascade thinks that this issue is not properly before the Commission. Even that issue,
9 however, is retrospective, and focuses on existing contracts. It is not prospective, whereas
10 an examination of Cascade's proposed tariffs is purely prospective. Order 03 in the
11 Complaint docket shows that the Commission has recognized that CMS's Complaint
12 presents no issues regarding the rates and terms under which Cascade may make future sales
13 of gas supply.
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23 6. Not only did CMS not raise any issues in the Complaint docket regarding the rates
24 and terms under which Cascade should sell gas supply in the future, CMS has no standing to
25 raise such issues in the Complaint docket. As discussed in Cascade's response to CMS's
26 Petition to Intervene in this docket, as an unregulated competitor of Cascade who is not a
27 customer, CMS does not have a substantial interest in any issue regarding the rates and
28 terms under which Cascade may offer gas supply. For this same reason, CMS may not raise
29 issues regarding the appropriateness of Cascade's proposed tariffs in the Complaint docket.
30 On the other hand, the only issues presented in this docket are the appropriateness of
31 Cascade's proposed tariffs. Thus, neither the facts nor the principles of law in these two
32 dockets are related.
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43 7. As directed by the Commission in Order 03 in the Complaint docket, Commission
44 Staff will investigate Cascade's proposed tariffs to ensure that the rates and terms under
45 which Cascade may sell gas supply are appropriate for Cascade's customers. CMS's
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1 participation in this investigation will not be helpful to the Commission in resolving this
2
3 issue.

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5 8. For the foregoing reasons, Cascade requests that the Commission deny the Motion to
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7 Consolidate of Cost Management Services, Inc.

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9 DATED: March 22, 2007

PERKINS COIE LLP

10
11
12 By: 

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served this **RESPONDENT'S RESPONSE TO MOTION TO CONSOLIDATE OF COST MANAGEMENT SERVICES, INC.** upon all parties of record in this proceeding by causing a copy to be sent by electronic mail and U.S. mail to:

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Dated this 22nd day of March, 2007.

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