

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In the Matters of

Docket No. UG-061256

COST MANAGEMENT SERVICES, INC.,
Complainant,

v.
CASCADE NATURAL GAS CORPORATION,
Respondent.

**MOTION OF COST MANAGEMENT
SERVICES, INC., FOR LEAVE TO
FILE AMENDED COMPLAINT**

1. Pursuant to WAC 480-07-395(5), Cost Management Services, Inc. (“CMS”) hereby seeks the Commission’s leave to file its amended complaint against Cascade Natural Gas Corporation (“Cascade”) in this docket. The amended complaint is enclosed with this filing. In support of its motion, CMS states the following:
2. The amended complaint tracks the Commission’s directives in Order No. 3, ¶¶ 54, 55 and 64, that a hearing be conducted in these proceedings to build a factual record regarding whether Cascade’s gas sales to non-core customers are unduly discriminatory or unduly preferential. It moots criticisms by Cascade regarding an alleged failure by CMS to request such a hearing in its original complaint.
3. The amended complaint includes a number of substantiated claims about the existence of undue discrimination and undue preference, based on a review of the agreements themselves. At the time CMS’ original complaint was filed, information on which to base such claims was withheld by Cascade. Cascade’s gas sale agreements with non-core customers were not on file with the Commission and not otherwise available for review – either by CMS or by the Commission. Cascade maintained that the Commission’s regulatory authority had been pre-empted by the Federal Energy

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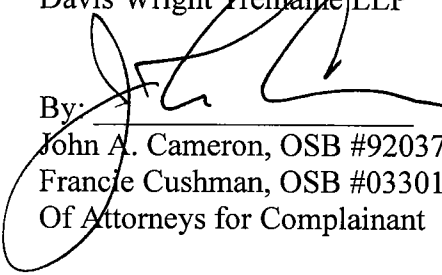
Regulatory Commission (“FERC”) and that this Commission had no jurisdiction over the non-core agreements. Since that time, the Commission issued Order No. 3 in these proceedings, holding that this Commission, not FERC, has jurisdiction over the agreements under RCW Chapter 80 and directing that they all be filed in accordance with WAC 480-80-143.

4. Cascade has still not filed its non-core agreements. However, it was ordered on March 1, 2007, to produce and deliver to CMS copies of its non-core gas sales agreement. CMS’ expert, Mr. Don Schoenbeck, thereupon conducted a timely review of the agreements provided by Cascade. Mr. Schoenbeck’s review leads to the findings, conclusions and recommendations contained in his affidavit regarding cross-subsidization, undue discrimination and undue preference. Mr. Schoenbeck’s affidavit is Exhibit 2 to the amended complaint. A number of Mr. Schoenbeck’s findings, conclusions and recommendations are incorporated into the body of the amended complaint as “Additional Facts,” forming part of the basis on which the hearing ordered by the Commission should be conducted.

5. WHEREFORE, to reach the “fair and just results” sought by WAC 480-07-395(5), CMS requests leave of the Commission to file the attached amended complaint.

DATED this 9th day of April, 2007.

Respectfully submitted,
Davis Wright Tremaine LLP

By: 
John A. Cameron, OSB #92037
Francie Cushman, OSB #03301
Of Attorneys for Complainant

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 9th day of April, 2007, served the foregoing **MOTION OF COST MANAGEMENT SERVICES, INC. FOR LEAVE TO FILE AMENDED COMPLAINT** upon parties of record in these proceeding, as follows:

UG-061256				
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Dated this 9th day of April, 2007.



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