

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

CASCADE NATURAL GAS
CORPORATION,

Respondent.

DOCKET UG-200568

ORDER 03

PREHEARING CONFERENCE
ORDER; NOTICE OF HEARING
**(Evidentiary Hearing set for
February 24-25, 2021, at 9 a.m.)**

- 1 **NATURE OF PROCEEDING.** On June 19, 2020, Cascade Natural Gas Corporation (Cascade or Company) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff WN U-3. The purpose of the filing is to increase rates and charges for natural gas service provided to customers in the state of Washington. Specifically, Cascade requests authority to increase charges and rates for natural gas service by approximately \$13.8 million, or 5.283 percent in base rates. The Commission suspended operation of the tariffs on June 25, 2020, by Order 01 entered in this docket.
- 2 **CONFERENCE.** The Commission convened a prehearing conference at Olympia, Washington on July 8, 2020, before Administrative Law Judge Michael Howard.
- 3 **APPEARANCES.** Lisa Rackner, Jocelyn Pease, and Adam Lowney, McDowell Rackner Gibson PC, Portland, Oregon, represent Cascade. Nash Callaghan, Assistant Attorney General, Olympia, Washington, represents Commission staff (Staff).¹ Ann N.H. Paisner, Lisa Gafken, and Nina M. Suetake, Assistant Attorneys General, Seattle, Washington, represent the Public Counsel Unit of the Attorney General's Office (Public Counsel).

¹ In formal proceedings such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See* RCW 34.05.455.

Chad M. Stokes and Tommy Brooks, Cable Huston LLP, Portland, Oregon, represent the Alliance of Western Energy Consumers (AWEC). Simon J. ffitich represents The Energy Project. Contact information for the representatives of those granted party status is attached as Appendix A to this Order.

4 **PETITIONS FOR INTERVENTION.** AWEC and The Energy Project timely filed petitions to intervene.

5 Absent objections to the petitions to intervene, the Commission finds that these petitioners have established a substantial interest in this proceeding and that their participation will be in the public interest. Accordingly, the Commission grants those petitions.

6 **PROTECTIVE ORDER.** The Commission entered Order 02, Protective Order in this docket on June 25, 2020.

7 **DISCOVERY.** Order 01 provides that discovery will be conducted under the Commission's discovery rules, WAC 480-07-400 – 425. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution.

8 The Commission believes it will aid discovery in this case if all responses to data requests are shared with all parties. No party objects to the Commission making the exchange of data requests and responses with all parties a requirement for discovery in this case. Accordingly, the Commission requires the parties to share every data request and data request response with all parties, subject to any confidentiality limitations contained in Commission rule or the protective order issued in this docket.

9 At the prehearing conference, Staff proposed further requirements for parties issuing data requests. Staff proposed requiring that the requesting party (1) include a list in the email serving the data request that identifies each data request by number and the subject or issue of each data request being issued and (2) group the data requests by subject or issue in the cover letter serving the data request. No party objected to these proposed requirements. The Commission therefore adopts Staff's recommendations on this issue for the purposes of this case.

10 **PROCEDURAL SCHEDULE.** The parties presented an agreed procedural schedule at the prehearing conference. The Commission adopts the parties' proposed procedural

schedule, which is attached to this Order as Appendix B. The parties may modify the date of the settlement conferences by providing written notice to the Commission.

11 **DOCUMENT FILING AND SERVICE REQUIREMENTS.** Parties must file and serve all pleadings, motions, briefs, and other pre-filed materials in compliance with all of the following requirements:

- (a) Parties must submit electronic copies of all documents by 5 p.m. on the filing deadline established in the procedural schedule (or other deadline as applicable) unless the Commission orders otherwise. Parties must comply with WAC 480-07-140(6) in formatting, organizing, and identifying electronic files.
- (b) The Commission accepts only electronic versions of documents for formal filing. Parties must submit documents electronically through the Commission's web portal (www.utc.wa.gov/e-filing). If a party is unable to use the web portal to submit documents for filing, the Commission will accept a submission via email to records@utc.wa.gov, provided that the email: (1) explains the reason the documents are not being submitted via the web portal, and (2) complies with the requirements in WAC 480-07-140(5)(b).
- (c) In light of the COVID-19 pandemic, the Commission is suspending requirements for paper filings in this case.
- (d) Documents filed with the Commission must conform to the formatting and other requirements in WAC 480-07-395 and WAC 480-07-460, and must comply with the requirements in WAC 480-07-160 and the Protective Order in this docket for documents that include information designated as confidential.
- (e) Parties must electronically serve the other parties and provide courtesy electronic copies of filings to the presiding administrative law judge (michael.howard@utc.wa.gov) by 5 p.m. on the filing deadline unless the Commission orders otherwise. If parties are unable to email copies, they may furnish electronic copies by delivering them on a flash drive only.

12 **EXHIBITS FOR CROSS-EXAMINATION.** Parties are required to file with the Commission and serve all proposed cross-examination exhibits by **5 p.m. on Wednesday, February 17, 2021**. The Commission requires electronic copies in searchable PDF (Adobe Acrobat or comparable software). If any of the exhibits contain

information designated as confidential, parties must file an electronic copy of the redacted version in searchable PDF (Adobe Acrobat or comparable software) of each such exhibit. The exhibits must be grouped according to the witness the party intends to cross examine with the exhibits.

- 13 **EXHIBIT LISTS.** With each submission of pre-filed testimony and exhibits, the party making the submission must include a preliminary exhibit list that identifies each submitted exhibit in the format the Commission uses for exhibit lists it prepares for evidentiary hearings. The Company will prepare its preliminary exhibit list and circulate it to the parties. Each party must file and serve a final list of all exhibits the party intends to introduce into the evidentiary record, including all pre-filed testimony and exhibits, as well as cross-examination exhibits by **5 p.m., Wednesday, February 17, 2021.**
- 14 **CROSS-EXAMINATION TIME ESTIMATES.** Each party must provide a list of witnesses the party intends to cross-examine at the evidentiary hearing and an estimate of the time that party anticipates the cross-examination of that witness will take. Parties should not file witness lists or cross-examination time estimates but must provide them to the administrative law judge (michael.howard@utc.wa.gov) and the other parties by **5 p.m., Wednesday, February 17, 2021.**
- 15 **PUBLIC COMMENT HEARING.** The Commission will hold a public comment hearing in this docket on **Tuesday, January 26, 2021.** Cascade's customers will receive notice of the date, time, and address of the public comment hearing, as well as other information required under WAC 480-90-197, at least 30 days prior to the date of the public comment hearing. The Commission will allow for virtual participation. Due to uncertainties surrounding the COVID-19 pandemic, the Commission will determine at a later date whether in-person attendance will be permitted. If in-person attendance is permitted, the public comment hearing will be held in the Commission's Hearing Room, First Floor, Commission Headquarters, 621 Woodland Square Loop S.E., Lacey, Washington.
- 16 **NOTICE OF EVIDENTIARY HEARING.** The Commission will hold an evidentiary hearing in this docket on **Wednesday, February 24, 2021, at 9 a.m., continuing if needed on Thursday, February 25, 2021.** Due to uncertainties surrounding the COVID-19 pandemic, the Commission will determine at a later date whether the hearing will be conducted in-person or virtually. If the hearing is conducted in-person, it will convene in the Commission's Hearing Room, First Floor, Commission Headquarters, 621 Woodland Square Loop S.E., Lacey, Washington.

- 17 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission has limited ability to provide dispute resolution services. If you wish to explore those services, please contact Rayne Pearson, Director, Administrative Law Division (360-664-1136).
- 18 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of this Order, in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this docket, subject to Commission review.**

Dated at Olympia, Washington, and effective July 13, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Michael Howard
MICHAEL HOWARD
Administrative Law Judge

**APPENDIX A
PARTIES' REPRESENTATIVES
DOCKET UG-200568**

PARTY	REPRESENTATIVE	PHONE	E-MAIL
Cascade Natural Gas	Lisa Rackner, Jocelyn Pease, and Adam Lowney McDowell Rackner & Gibson PC 419 SW 11th Avenue STE 400 Portland, OR 97205	(503) 595-3925	lisa@mrg-law.com jocelyn@mrg-law.com adam@mrg-law.com
	Michael Parvinen Director Regulatory Affairs Cascade Natural Gas Corporation 8113 W. Grandridge Blvd. Kennewick, WA 99336-7166		michael.parvinen@cngc.com
Commission Staff	Nash Callaghan Assistant Attorney General Office of the Attorney General Utilities and Transportation Division 1400 S. Evergreen Park Drive S.W. P.O. Box 40128 Olympia, WA 98504	(360) 664-1187	nash.callaghan@utc.wa.gov
	Betty Erdahl		betty.erdahl@utc.wa.gov
Public Counsel	Ann N.H. Paisner, Lisa Gafken, and Nina M. Suetake Assistant Attorneys General Washington Attorney General's Office Public Counsel Unit 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188	(206) 464-6595	Lisa.Gafken@atg.wa.gov Ann.Paisner@atg.wa.gov Nina.Suetake@atg.wa.gov
	Stephanie Chase		Stephanie.Chase@atg.wa.gov
	Thomas Johnson		Thomas.Johnson@atg.wa.gov
	Chanda Mak		chandam@atg.wa.gov
	Kevin Burdett		Kevin.Burdett@atg.wa.gov
Public Counsel E-Filing	PCCSeaEF@atg.wa.gov		
Alliance of Western Energy Consumers	Edward Finklea Director of Natural Gas Alliance of Western Energy Consumers 545 Grandview Drive Ashland, OR 97520	(541) 708-6338	efinklea@awec.solutions
	Chad M. Stokes Cable Huston LLP 1001 SW Fifth Avenue, Suite 2000 Portland, OR 97204-1136	(503) 224-3092	cstokes@cablehuston.com
	Tommy Brooks	tbrooks@cablehuston.com	

PARTY	REPRESENTATIVE	PHONE	E-MAIL
The Energy Project	Simon J. ffitch Attorney at Law 321 High School Rd. NE, Suite D3, Box No. 383 Bainbridge Island, WA 98110	(206) 669-8197	simon@ffitchlaw.com
	Carol Baker		carol@ffitchlaw.com

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UG-200568**

EVENT	DATE
Initial Filing	June 19, 2020
Prehearing Conference	July 8, 2020
Cascade Supplemental Testimony ²	July 24, 2020
Customer Notice Report	September 4, 2020
Cascade Circulates Joint Issues List	October 2, 2020
Non-Company Parties Pre-Settlement Meeting	October 5, 2020
Settlement Conference #1	October 6, 2020
Staff, Public Counsel, and Intervenor Response Testimony and Exhibits	November 19, 2020
Non-Company Parties Pre-Settlement Meeting	November 30, 2020
Settlement Conference #2	December 1, 2020
Company Rebuttal Testimony and Exhibits; Staff, Public Counsel, and Intervenor Cross-Answering Testimony and Exhibits	January 8, 2021
Public Comment Hearings	January 26, 2021

² The parties stipulate that Cascade’s Supplemental Testimony will be limited to: restating rate base from end-of-period to average of monthly averages; updating volumes and proposed revenues to reflect certain large customers changing rate schedules and to correct a metering error; and updating decoupling baseline to reflect these changes as appropriate.

Cascade Files Joint Issues List	January 29, 2021
Discovery Deadline – Last Day to Issue Data Requests	January 29, 2021
Cross-Examination Exhibits, Witness Lists, Final Exhibit Lists, and Cross-Examination Time Estimates	February 17, 2021
Evidentiary Hearing	February 24 and 25, 2021
Post-Hearing Briefs and Updated Issues List	March 22, 2021
Suspension Date	May 21, 2020³

³ The parties indicated a suspension date of May 19, 2021. However, the Commission calculates the suspension date as May 21, 2021, based on a 10-month suspension from the stated effective date of July 21, 2020, on the as-filed tariff sheets, per RCW 80.04.130.