

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

TREE TOP, INC.,

Complainant,

v.

CASCADE NATURAL GAS
CORPORATION,

Respondent.

DOCKET UG-210745

NOTICE OF VIRTUAL
PREHEARING CONFERENCE
(set for November 16, 2021, at 3 p.m.)

and

NOTICE SETTING DEADLINE FOR
RESPONSE
**(due Tuesday, November 9, 2021, by
5 p.m.)**

- 1 On September 24, 2021, Tree Top, Inc., (Tree Top) filed with the Washington Utilities and Transportation Commission (Commission) a formal complaint (Complaint) against Cascade Natural Gas Corporation (Cascade). The Complaint alleges that Cascade imposed an exorbitant overrun entitlement penalty on Tree Top that it asserts is not fair, just, or reasonable. On October 25, 2021, Cascade filed its Answer to the Complaint (Answer).
- 2 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter under Title 80 RCW, and has legal authority to regulate natural 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 80.01.040, RCW 80.04.020, and RCW 80.28.020. The rules that apply to this matter include those within Chapters 480-80 WAC and 480-90 WAC, relating to natural 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 finds there is good cause to hear this matter on shortened notice. *See* WAC 480-07-440(1)(a) and RCW 34.05.434.

5 **THE COMMISSION GIVES NOTICE That it will hold a virtual prehearing conference in this matter at 3 p.m., on Tuesday, November 16, 2021. To participate via Zoom, use the following link: [Click here to join meeting](#). To participate by phone, call (253) 215-8782 and use the Meeting ID 925 8748 8715# and the Passcode 350807#.**

6 The purpose of the prehearing conference is to consider requests for intervention, resolve scheduling matters including establishing dates for distributing evidence, 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.

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). Any party or witness in need of an interpreter or other assistance 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 and WAC 480-07-450.**

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

Complainant: Tree Top, Inc.
Terri Bauman
Monica Taylor
220 E. Second Avenue
P.O. Box 248
Selah, WA 98942-0248
(509) 698-1434
terri.bauman@treetop.com
monica.taylor@treetop.com

Representative: Chad Stokes
Cable Huston LLP
1455 SW Broadway, Suite 1500
Portland, OR 97201
(503) 224-3092
cstokes@cablehuston.com

Respondent: Michael Parvinen
Director or Regulatory Affairs
Cascade Natural Gas Corporation
8113 West Grandridge Blvd.
Kennewick, WA 99336-7166
(509) 734-4593
michael.parvinen@cngc.com
cngcregulatory@cngc.com

Representative: Lisa Rackner
Jocelyn Pease
McDowell Rackner & Gibson PC
419 SW 11th Ave., Suite 400
Portland, OR 97205
(503) 595-3925
lisa@mrg-law.com
jocelyn@mrg-law.com
alisha@mrg-law.com
cheyenne@mrg-law.com

10 Administrative Law Judge Andrew J. O'Connell, from the Commission's Administrative Law Division, will preside during this proceeding.

11 In its Answer, Cascade requested the Commission dismiss the Complaint and determine that Cascade appropriately billed Tree Top for the entitlement overrun penalties, citing the filed rate doctrine and asserting that Tree Top has failed to state a claim for which relief may be granted as affirmative defenses (Motion).¹ Commission rule requires Tree Top to file any written response to the Motion within 10 days of service, unless the Commission sets a different deadline.² In this instance, the Commission requires Tree Top to file any response to Cascade's motion to dismiss by 5 p.m. on Tuesday, November 9, 2021. The Commission will provide an opportunity for the Parties to be heard and will thereafter resolve the Motion at the prehearing conference set for November 16, 2021.

12 **THE COMMISSION GIVES NOTICE That any response to Cascade's Motion must be filed with the Commission by 5 p.m. on Tuesday, November 9, 2021.**

13 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.³

DATED at Lacey, Washington, and effective November 3, 2021.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL
Executive Director and Secretary

Inquiries may be addressed to:

Executive Director and Secretary
Washington State Utilities and
Transportation Commission
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

¹ Answer at 10-11, 12, ¶¶ 42-43, 50.

² WAC 480-07-380(1).

³ Judge O'Connell can be reached by email at andrew.j.oconnell@utc.wa.gov or by phone at (360) 664-1285.

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 and return this form to:

Washington Utilities and Transportation Commission
Attention: Amanda Maxwell
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 (_____) _____