

Sharon L. Nelson, Chairman
Richard D. Casad, Commissioner
A. J. "Bud" Pardini, Commissioner



STATE OF WASHINGTON

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250 • (206) 753-6423 • (SCAN) 234-6423

June 23, 1993

Mr. Charles F. Adams
Public Counsel
Office of the Attorney General
900 Fourth Avenue, Suite 2000
Seattle, Washington 98164

Dear Mr. Adams:

I am answering your June 11 letter to Administrative Law Judge Anderl because it seems analogous to a request for partial disqualification. Under RCW 34.05.425, the person whose disqualification is requested shall respond to the request.

The answer to your first concern, whether I have had any ex parte contact with Washington Natural Gas or its representatives involving the issues in this proceeding, is an easy one. No such contacts have occurred.

Your second concern, requesting that I read the record but not hear the remaining oral testimony in the proceeding, is a more complex issue. After extensive consideration, I have concluded that my oath of office, the Commission's enabling law, and the Administrative Procedure Act not only permit but in fact require me to attend and preside at the remaining phase of the hearing.

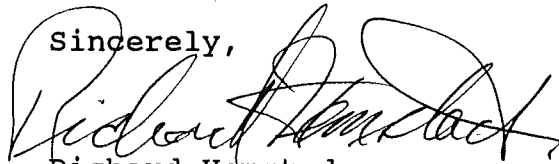
When I began service as a Commissioner, I swore to uphold the constitution and statutes of the State, and to participate as a Commissioner to the best of my abilities. That involves an active role in every undertaking, as time and priorities permit. I was appointed by the governor under RCW 80.01.010 and swore that I would participate in meeting the Commission's obligation under RCW 80.01.040 to "Exercise all the powers and perform all the duties prescribed . . . by . . . law."

A vacancy among presiding officers is contemplated by RCW 34.05.425. Under subsection (7) a substitute may be appointed by the pertinent appointing authority -- here, the Governor. Under subsection (8), any action that I take as a duly appointed substitute is as effective as if taken by the unavailable individual, and there is no restriction on the exercise of the responsibilities of the office.

Mr. Charles F. Adams
June 23, 1993
Page 2

In fairness to all the parties, including the public, it is my considered judgment that I should exercise full participation in the remainder of the proceeding, as contemplated by statute and as I believe I am obligated to do by my oath of office. I also believe that doing so will enhance my ability to make a knowledgeable and informed decision and thus truly benefit all the parties. I do pledge to weigh with special care any issues of credibility that arise, to consider whether a balance of credibility could affect my judgment, and to act accordingly.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Hemstad", written in a cursive style.

Richard Hemstad

cc: Parties of Record
Lisa Anderl, ALJ
Chairman Nelson
Commissioner Casad