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May 17, 2013

VIA ELECTRONIC FILING

WASHINGTON UTILITIES &
TRANSPORTATION COMMISSION
1300 S Evergreen Park Drive, SW
Post Office Box 47250
Olympia, Washington 98504-7250

ATTENTION: Records Center

Re: Docket A-130355 - Rulemaking to Consider Possible Corrections and Changes in Rules in WAC 480-07 (Procedural Rules)

Northwest Natural Gas Company, dba NW Natural (NW Natural or Company), files herewith the following comments and proposed rule changes with regard to the above-referenced docket.

NW Natural recommends that the Commission consider changes to the filing requirements under WAC 480-07-140, 480-07-145 and 480-07-150 to: (1) include the filing of financial reports required under WAC 480-90 Part III in WAC 480-07-140(1)(a); (2) treat the electronic filing of documents as the official filing requirement with printed copies serving as supplemental submissions; and (3) to consider a reduction in the number of printed copies required. Similar changes are proposed to WAC 480-07-510(1). We have included suggested language changes to the pertinent portions of the referenced rules. See NW Natural Attachment 1.

With regard to other issues reflected in the topic list included with the Commission's notice in this docket, the Company does not have any specific comments or suggested rule changes at this time. However, the Company would be interested in participating in any rulemaking that results in proposed additions or revisions to WAC 480-07 that address these topics.

Thank you for the opportunity to provide comment in this proceeding. We look forward to participating in any workshops or other proceedings as this matter progresses.

Please address correspondence on this matter to me with copies to the following:

Kelley Miller, Rates Specialist
Rates & Regulatory Affairs
220 NW Second Avenue
Portland, Oregon 97209
Telecopier: (503) 721-2516
Telephone: (503) 226-4211, ext. 3589
E-mail: eFiling@nwnatural.com

If you have questions please call me.

Sincerely,

/s/ Onita King

Onita R. King
Rates and Regulatory Affairs

attachments

NW NATURAL ATTACHMENT 1

480-07-140

(1) Scope of Rule

(a) **Electronic filing, limitations.** You may **file** documents electronically using the commission's records center web portal (see WAC [480-07-125](#)) if you are submitting documents that are not part of an adjudicative proceeding. Examples include registration applications, [regulatory reports required under WAC 480-90 Part III](#), tariffs, contracts, rule-making comments, and comments on open meeting items. Electronic filing means the commission accepts the electronic version of the document as the official filing and does not require a paper copy of the documents.

(b) **Electronic submission, adjudications.** You may [submit file](#) documents electronically using the commission's records center web portal (see WAC [480-07-125](#)) or e-mail if you are submitting documents in an adjudicative proceeding. Electronic submission means the commission allows submission of electronic versions of documents, but requires a [printed paper](#) copy of the document [to supplement the filing as the official filing](#). Except for testimony and exhibits filed in general rate cases, parties may submit one paper copy of documents of less than twenty-five pages, but must follow the filing requirements in WAC [480-07-510](#)(1) ([nineteen-ten](#) copies) and WAC [480-07-150-480-07-145](#) (3)(a) ([twelve-five](#) copies) for documents exceeding twenty-five pages.

(6) Electronic file format requirements

(a) **Acceptable media.** You may submit documents electronically through the commission's records center web portal, by e-mail file attachment addressed to the commission's records center, or submitted to the records center on a [USB drive or 3 1/2 inch IBM formatted high density disk or compact disc \(CD\)](#) labeled with the docket number of the proceeding, if a number has been assigned, the name of the entity and the name of the individual submitting the document, and a description of the contents (e.g., "direct evidence," "motion to dismiss," etc.). [A USB drive must be in an envelope containing the same label information or must be accompanied by a document stating the required label information.](#)

(d) **Acceptable organization.** Each party must submit all files to meet a single deadline at the same time and in the same message or diskette. When a party submits two or more files at the same time, the files must be organized into folders, and the party must provide a [separate printed index with the electronic filing. For filings made with printed documents, the index may be included in a cover letter or provided as an attachment to a cover letter. The index also must be provided in the form of an electronic file.](#)

480-07-145

(2) **Electronic, mMail or hand delivery service is required for all documents.** Parties to adjudicative proceedings before the commission must file original, signed documents [electronically as specified in WAC 480-07-140 or in printed form and paper copies](#) by mail or hand delivery (e.g., courier delivery service) as provided in this rule to satisfy [official filing requirements and meet](#) the commission's administrative needs. The commission [will also](#) provides for the expedited exchange of documents among parties and the commission by e-mail and fax transmission in adjudicative proceedings.

(a) **When deemed received/ filed.** A document submitted in an adjudicative proceeding is officially received for filing only when the original document, including the required certificate of service under subsection (6) of this section, ~~and the required number of copies,~~ are [electronically or](#) physically received [by at](#) the commission's records center [as specified in WAC 480-07-140\(5\) or](#) by mail or in-hand delivery and stamped with the date and time. The date-stamped time [of the electronic or printed submission](#) will determine whether a document meets any deadline that applies and will determine the timing of any later deadlines based on filing. Documents that are delivered to the commission's records center after 5:00 p.m. are not considered officially received or filed until the next business day [when they are stamped with the date and time.](#)

(d) **Electronic Filings must be supplemented by an electronic a printed version of the document.** Parties filing pleadings, motions, prefiled testimony and exhibits, and briefs must supplement their filing by submitting the document in [electronic printed](#) form, ~~as specified in WAC 480-07-140(5),~~ unless excused from the obligation by the presiding officer.

(3) Number of copies; failure to file sufficient number of copies.

(a) **Number of copies.** Unless the commission specifies a different number of copies, every pleading, motion, response, and brief submitted to the commission ~~by mail or courier~~ must be ~~supplemented filed~~ with ~~twelve five~~ printed copies. A party for whom providing the required number of printed copies would be a hardship may describe the hardship and request permission to submit file fewer copies.

(b) **Failure to submit file sufficient number of copies.** If a person submits files fewer than the required number of copies of a document, the commission may reject the filing or the commission may make the additional copies for distribution and processing within the commission. If the commission makes copies to meet the total number required, the commission will bill the filing person at a rate of thirty cents per page, plus sales tax. This rate compensates for the loss of the worker's attention to assigned duties, the unscheduled use of equipment, and the cost of materials.

(6) Web portal, e-mail or fax transmission ~~may be used to expedite the filing process~~.

(a) **Paper copy required Filing.** ~~Parties may submit e~~ Documents ~~may be filed with to~~ the commission electronically through the web portal, e-mail or fax or in print by U.S. mail or hand delivery on the date established for ~~paper~~ filing under the procedural schedule in an adjudicative proceeding, subject to the following conditions:

(i) **Timing.** Electronic submissions must be completed by 3:00 p.m. on the date established for filing. The commission encourages the use of the web portal rather than via e-mail or fax. Printed submissions must be date and time stamped by 5:00 p.m. of the date established for filing.

(ii) **Printed Supplements to Electronic Filings** ~~Paper copy required.~~ The commission must physically receive the printed copies original and required number of copies by 12:00 noon on the first business day following the filing deadline established under the procedural schedule.

(iii) **Exact copy is required.** The printed original and paper copies of the document delivered to the commission on the day following the filing deadline must conform exactly in form and content to the electronic version or the document will not be considered to have been timely filed and may be rejected on that basis.

(c) **When deemed received.** A document submitted through the commission's records center web portal is deemed received only when the sender receives notification from the commission that the document has been received. A document submitted by e-mail or fax is deemed received when the entire document successfully reaches the commission's records center electronic mailbox or fax machine. Documents submitted electronically may be rejected if are not considered officially received or filed until the commission does not receives the printed original and paper copies the next business day, ~~when they are stamped with the date and time received.~~

480-07-150

(5) Waiver of service by statutory means.

(a) A party may choose to waive service of process by electronic means ~~of personal delivery, United States mail or parcel delivery service, in whole or in part,~~ and elect to receive service by personal delivery, United States mail or parcel delivery service, in whole or in part ~~electronic means~~.

(b) Waiver must be made in writing, filed with the commission, and must specify alternative methods of communication to effect service. Alternates may include fax or mailed delivery-e-mail.

(c) Waiver excuses other parties and the commission from the obligation to use methods of service specified in rule or statute.

Neither the commission nor any party is foreclosed from making service by statutory means upon a party who has waived such service, and timely service by a method specified in the statute will satisfy legal requirements for service when it is used.

(6) **Service by parties.** Parties must serve documents by electronic delivery but may choose also to ~~delivering~~ one copy to each other party by one of the following methods:

(a) In person.

(b) By mail, properly addressed with first class postage prepaid.

(c) By delivering to a commercial parcel delivery company and making or arranging payment of the pertinent fee.

(d) By fax transmission, ~~if other forms of service are waived.~~

~~—(e) By e-mail, if other forms of service are waived.~~

(7) **Service by commission.** All notices, complaints, petitions, findings of fact, opinions, and orders required to be served by the commission may be served [electronically by email](#) or by one of the following methods:

(a) In person.

(b) By mail, properly addressed with first class postage prepaid.

(c) By commercial parcel delivery company.

(d) By fax transmission, when a paper copy is simultaneously mailed or tendered to a commercial parcel delivery company.

~~—(e) By e-mail if originals are simultaneously mailed or sent by commercial parcel delivery company.~~

(8) **When service is deemed complete.** Unless otherwise ordered by the commission in a particular proceeding, service is complete as follows:

(a) Service by mail is complete when a copy of the document is properly addressed, stamped, and deposited in the United States mail.

(b) Service by commercial parcel delivery is complete when the parcel delivery company accepts a copy of the document for delivery.

(c) Service by fax transmission is complete when the party receiving service has filed a waiver of service by statutory methods and requested service by fax transmission, and the document being served has been entirely received in the recipient's fax machine.

(d) Service by e-mail is complete when the ~~party receiving service has filed a waiver of service by statutory methods and requested service by e-mail, and the~~ document being served has been entirely received at the recipient's designated e-mail address.

(e) Proof of service by electronic means. Parties ~~effecting service by electronic means~~ are encouraged to secure electronic return receipts or otherwise confirm successful delivery.

480-07-510

- (1) **Testimony and exhibits.** The company must file [with the commission one electronic copy of all testimony and exhibits that the company intends to present as its direct case if the filing is suspended and a hearing held, in the format identified in WAC 480-07-140\(6\) with the commission and must supplement the electronic copy with nineteen ten](#) paper copies of [such all](#) testimony and exhibits ~~that the company intends to present as its direct case if the filing is suspended and a hearing held~~, unless the commission preapproves the filing of fewer copies. In addition, ~~the company must provide one electronic copy of all filed material in the format identified in WAC 480-07-140(6).~~ Material that the company has not produced under its direction and control and that is not reasonably available to it in electronic format, such as generally available copyrighted published material, need not be provided in electronic format. The company must serve a copy of the materials filed under this section on public counsel at the time of filing with the commission in any proceeding in which public counsel will appear. The utility must provide an exhibit that includes a results-of-operations statement showing test year actual results and the restating and pro forma adjustments in columnar format supporting its general rate request. The utility must also show each restating and pro forma adjustment and its effect on the results of operations. The testimony must include a written description of each proposed restating and pro forma adjustment describing the reason, theory, and calculation of the adjustment.