

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION

Complainant,

v.

NORTHWEST NATURAL GAS
COMPANY,

Respondent.

DOCKET NO. UG-080546

COMMENTS OF PUBLIC COUNSEL IN
RESPONSE TO NW NATURAL
PETITION FOR DECLARATORY
RULING

1. Pursuant to the Notice of Opportunity to Submit Comments (Notice) dated February 24, 2010, the Public Counsel Section of the Washington State Attorney General's Office (Public Counsel) respectfully submits these comments in response to the Northwest Natural Gas Company (NW Natural) Petition for a Declaratory Ruling on Final Order (Petition) filed February 19, 2010.
2. Public Counsel supports NW Natural's Petition. The Petition requests that the Commission revise Order 04 to clarify that the Energy Trust of Oregon (ETO) may continue to deliver the Company's energy efficiency programs throughout the period when the pilot is being reviewed for cost-effectiveness, and, in the event the decision is made to not retain the ETO as program administrator, throughout the period during which a new program administrator is selected and established.
3. Public Counsel has been an active participant on the Company's Energy Efficiency Advisory Group (EEAG) and has been involved in the EEAG discussions that helped inform this Petition. We believe the Petition it is an appropriate and reasonable way to avoid an undesirable

interruption in the delivery of energy efficiency services to NW Natural's Washington customers at a time when the program is just beginning to ramp up. While the Petition does not specify a particular time limit to the interim ETO involvement, Public Counsel does not see this as a concern at this time. The Company has provided a reasonable time-line that delineates key dates in the process of reviewing the Company's first year results, including dates certain for delivery of the comprehensive annual report, for the benchmarking study and for the filing date of the EEAG recommendation to the Commission. An explanation of the time-line for pilot review has also been provided.¹ If concerns arise in future regarding the timing of resolving ETO's role those can be brought to the Commission by the parties at a later time.

4. Public Counsel believes the Petition can be treated as a motion to amend Order 04.
5. DATED this 4th day of March, 2010.

ROBERT M. MCKENNA
Attorney General

Simon J. ffitch
Senior Assistant Attorney General
Public Counsel

¹ This is discussed in the revisions to the Company's Energy Efficiency plan which are contained in the tariff revision filing, Advice No. 10-2, included as Exhibit A to the Petition.