

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND)	DOCKET UG-080519
TRANSPORTATION COMMISSION,)	<i>(consolidated)</i>
)	
Complainant,)	
)	
v.)	
)	
NORTHWEST NATURAL GAS)	
COMPANY,)	
)	
Respondent.)	
.....)	
)	
In the Matter of the Petition of)	DOCKET UG-080530
)	<i>(consolidated)</i>
NORTHWEST NATURAL GAS)	
COMPANY)	ORDER 02
)	
For an Accounting Order Authorizing)	PREHEARING CONFERENCE
Deferred Accounting Treatment of)	ORDER
Certain Costs Associated with the)	
Smart Energy Program.)	
.....)	

- 1 **PROCEEDINGS:** On March 21, 2008, Northwest Natural Gas Company (Northwest) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effect Tariff WN U-6 in Docket UG-080519, to establish a Smart Energy Program, designated as Sixth Revision of Sheet six, Original Sheet U.1 and Original Sheet U.2.

- 2 On March 24, 2008, Northwest filed with the Commission in Docket UG-080530 a petition seeking an Accounting Order authorizing the deferred treatment of certain costs associated with the Company’s Smart Energy Program.

3 On May 2, 2008, the Commission entered Order 01 in Docket UG-080519, suspending
the tariff revisions and consolidating the matter with Docket UG-080530. On May 2,
2008, the Commission also entered Order 01 in Docket UG-080530, setting the
petition for hearing and consolidating the matter with Docket UG-080519.

4 **CONFERENCE/PRESIDING OFFICER.** The Commission convened a prehearing
conference in this proceeding at Olympia, Washington on June 13, 2008, before
Administrative Law Judge Dennis J. Moss.

5 **PARTY REPRESENTATIVES:** Lisa F. Rackner, McDowell & Rackner, Portland,
Oregon, represents Northwest. Danielle Dixon, Senior Policy Associate at the
Northwest Energy Coalition (NVEC) represents her organization. Nancy Hirsh,
Policy Director, appeared for NVEC. Sarah Shifley, Assistant Attorney General,
Seattle, Washington, represents the Public Counsel Section of the Washington Office
of Attorney General (Public Counsel). Jonathan Thompson, Assistant Attorney
General, Olympia, Washington, represents the Commission's regulatory staff
(Commission Staff or Staff).¹

6 **PETITION TO INTERVENE.** NVEC filed a petition to intervene, which was
granted without objection.

7 **MOTION TO CONSOLIDATE.** On June 4, 2008, Public Counsel filed its Motion
To Consolidate. The motion urged the Commission to consolidate these consolidated
dockets with Northwest's pending general rate case (GRC) in Docket UG-080546.
Staff and Northwest filed separately, opposing the motion. The presiding officer
heard argument and discussed the motion with the parties at prehearing. The
Commission, on due consideration, denies the motion.

8 **PROTECTIVE ORDER.** Northwest requests a protective order. The Commission
will enter its standard form of protective order.

9 **DISCOVERY.** Parties are required to follow the Commission's discovery rules to
the extent any formal discovery is required. Northwest agrees to make company
personnel available to answer informally questions other parties may have concerning

¹ In formal proceedings, such as this, the Commission's regulatory staff functions as an independent party with the same rights, privileges, and responsibilities as other parties to the proceeding. There is an "ex parte wall" separating the Commissioners, the presiding ALJ, and the Commissioners' policy and accounting advisors from all parties, including Staff. *RCW 34.05.455*.

these matters. This is to facilitate understanding as the parties brief this matter on cross-motions for summary determination, discussed below.

- 10 **PROCEDURAL SCHEDULE.** The parties agreed that these dockets appear to present only legal and policy issues that can be resolved without the necessity for an evidentiary hearing. They accordingly agreed to a process that requires cross-motions for summary determination and responses. The presiding officer set a procedural schedule during the conference. Any party wishing to file a motion for summary determination must do so by **July 18, 2008**. Any party wishing to file a response must do so by **August 8, 2008**. These are dates for electronic submission, which must be completed by 3:00 p.m. An original and nine copies must be delivered to the Commission, via its Records Center, by the close of business on the next business day after submission.
- 11 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file the original plus nine copies of the unredacted versions of all pleadings, motions, briefs, and other prefiled materials. Parties must also file the original and one copy of any redacted version(s). These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.
- 12 All filings must be mailed or delivered to the Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 13 An electronic copy of all filings must be provided through the Commission's Web Portal (www.wutc.wa.gov/e-filing) or by e-mail delivery to records@utc.wa.gov. Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.

- 14 **ELECTRONIC SUBMISSION OF DOCUMENTS.** At the request of the parties, the presiding officer granted a one-day extension of the paper-filing requirement under WAC 480-07-145(6), allowing electronic submission of documents with the Commission on the filing deadline. Parties must submit documents through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail to records@utc.wa.gov, and file an original, plus nine paper copies,² of the documents with the Commission by the following business day. Parties must provide courtesy copies of their electronic submissions to the presiding administrative law judges and the parties to the proceeding.
- 15 **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 does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1144.
- 16 **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 the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective June 13, 2008.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DENNIS J. MOSS
Administrative Law Judge

² See, supra, ¶ 13 for detailed filing requirements when documents include material designated confidential.

PARTIES' REPRESENTATIVES DOCKETS UG-080519 and UG-080530				
PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Northwest Natural Gas Company	Lisa Rackner McDowell & Rackner PC 520 SW 6 th Ave, Suite 830 Portland, OR 97204	503-595-3925	503-595-3928	Lisa@mcd-law.com
Commission Staff	Jonathan Thompson 1400 S. Evergreen Park Dr. SW P.O. Box 40128 Olympia, WA 98504-0128	360-664-1225	360-586-5522	JThomпсо@utc.wa.gov
Public Counsel	Sarah Shifley Public Counsel Section Office of Attorney General 800 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188	206-464-6595	206-389-2058	SarahS5@atg.wa.gov
Northwest Energy Coalition	Danielle Dixon* Senior Policy Associate Nancy Hirsh Policy Director 811 1 st Avenue South Suite 305 Seattle, WA 98104	206-621-0094	206-621-0097	Danielle@nwenergy.org Nancy@nwenergy.org

* Designated for service.