Attachment 5

to

DECLARATION OF BRIAN CUNNINGTON

______________________________

Tree Top’s Proof of Payment and Protest Letter
June 21, 2021

Re: Payment (Under Protest) of Overrun Entitlement Penalty

To whom it may concern,

Tree Top, Inc. (The “Company”) is in receipt of the “Transportation Rate Schedule Penalty Calculation for Unauthorized Use of Natural Gas During Entitlement Constraint Period” dated 2/15/21 & 2/16/21. Enclosed with this letter is a check in the amount of $198,844.87. This amount represents the amount that Cascade Natural Gas (“CNG”) has chosen to penalize the Company pursuant to an alleged overrun entitlement penalty under CNG’s tariffs. This letter is to provide you with notice that the Company is paying the overrun entitlement penalty imposed by CNG under protest.

The Company has tendered payment of the alleged overrun entitlement penalty under protest pending potential legal action in order to avoid incurring late fees or penalties. The Company submits this statement of protest as to any and all overrun entitlement penalties demanded by CNG associated with natural gas usage during February 2021. The Company disagrees with CNG’s interpretation of its tariffs with respect to the overrun entitlement penalties.

The enclosed payment and any subsequent payments for overrun entitlement penalties shall not be construed as a waiver of any of the Company’s rights or remedies. The Company expressly reserves the right to take all legal action necessary to recover any overrun entitlement penalties paid under protest. If you have any questions regarding the payment or this letter, please contact me at 509-697-7251.

Sincerely,

Tom Hurson
President & CEO
PAY
One Hundred Ninety-eight Thousand Eight Hundred Forty-four Hundred Eighty-seven
four And 87/100 Dollars

To
CASCADE NATURAL GAS CORP
ATTN: REVENUE ACCOUNTING
8113 W GRANDRIDGE BLVD
KENNEWICK WA 99336

Send to:
By: [Signature]

---

<table>
<thead>
<tr>
<th>Invoice No.</th>
<th>Inv. Date</th>
<th>Comments</th>
<th>Gross Amount</th>
<th>Disc. Amount</th>
<th>Paid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>14973</td>
<td>03/16/21</td>
<td>DISPUTING CHARGES</td>
<td>57,924.78</td>
<td>57,924.78</td>
<td></td>
</tr>
<tr>
<td>15006</td>
<td>03/16/21</td>
<td>DISPUTING CHARGES</td>
<td>114,857.06</td>
<td>114,857.06</td>
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<tr>
<td>15023</td>
<td>03/16/21</td>
<td>DISPUTING CHARGES</td>
<td>26,063.03</td>
<td>26,063.03</td>
<td></td>
</tr>
</tbody>
</table>

Total: USD 198,844.87

---

Please review letter attached.

CUSTOMER 1199235

INU 14973 - $57,924.78
INU 15006 - $114,857.06
INU 15023 - $26,063.03

---

Tree Top, Inc. P.O. Box 248, Selah, WA 98942 Ph: (509) 697-7251
An equal opportunity employer
SOLD TO:

TREE TOP
PO BOX 248
SELAH WA 98942

Terms: DUE IN 30 DAYS

Service Address: 3981 STATE HWY 97A-WENATCHEE

<table>
<thead>
<tr>
<th>Line</th>
<th>Due Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>001</td>
<td>04/15/21</td>
<td>ENTITLEMENT PENALTY FEB 2021</td>
<td>57,924.78</td>
</tr>
</tbody>
</table>

Please put invoice number 14973 on payment.

<table>
<thead>
<tr>
<th>Total</th>
<th>Tax Rate</th>
<th>Tax</th>
<th>Total Amount Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>$57,924.78</td>
<td></td>
<td></td>
<td>$57,924.78</td>
</tr>
</tbody>
</table>

Payment Options:
By Phone: A credit/debit card payment can be made with our independent service provider by calling 844-385-0118. A fee for each transaction will apply.

Online: www.cngc.com/invoices
Mail: Cascade Natural Gas
Attn: Revenue Accounting
8113 W Grandridge Blvd
Kennewick, WA 99336

Direct Inquiries To:
877-810-4881
### Invoice Request Form

**State:** Washington  
**District:** CGO - Kennewick  
**Prep. By:** TRUDY NUGENT  
**Date:** 3/15/2021  
**Is this a correction to existing invoice?** No

<table>
<thead>
<tr>
<th>Customer Billing Information</th>
<th>Service Address Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Customer Name:</strong> TREE TOP - WENATCHEE</td>
<td><strong>Date of Service:</strong> Feb-21</td>
</tr>
<tr>
<td><strong>Address:</strong> PO BOX 248</td>
<td><strong>Address:</strong> 3961 STATE HWY 97A</td>
</tr>
<tr>
<td><strong>City, State, Zip:</strong> SELAH WA 98942-0248</td>
<td><strong>City, State, Zip:</strong> WENATCHEE, WA 98801</td>
</tr>
<tr>
<td><strong>Attention:</strong> TERRI BAUMAN</td>
<td><strong>CCB Account #:</strong> 240 000 0000</td>
</tr>
<tr>
<td><strong>Phone Number:</strong></td>
<td><strong>Metertek #:</strong> 0410</td>
</tr>
</tbody>
</table>

#### Invoice Type

<table>
<thead>
<tr>
<th>Description</th>
<th>Type of Work (check one)</th>
<th>Type of Facility (check one)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Third Party Damage</td>
<td>Installation</td>
<td>Main</td>
</tr>
<tr>
<td>Modifications</td>
<td>Repair</td>
<td>Service</td>
</tr>
<tr>
<td>Miscellaneous Sales</td>
<td>Replace</td>
<td>Meter/Reg</td>
</tr>
<tr>
<td>Other (Please fill in)</td>
<td>Relocate</td>
<td>Other</td>
</tr>
<tr>
<td>Entitlement Penalty</td>
<td>Retire</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other</td>
<td></td>
</tr>
</tbody>
</table>

#### Items - Labor, Materials, Equipment, Gas Loss, Treble Charge, etc.

<table>
<thead>
<tr>
<th>Qty.</th>
<th>Units</th>
<th>Unit Price</th>
<th>Description</th>
<th>GL Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td>57,924.78</td>
<td>Entitlement Penalty - FEBRUARY 2021</td>
<td>47WA.2530.01253</td>
<td>57,924.78</td>
</tr>
</tbody>
</table>

**Subtotal:** 57,924.78

**Total Invoice Amount:** $ 57,924.78

---

**Manager Approval**

**Date**

---

**CNGC - District Approval**

**JDE Acc#:** 1199235  
**Batch #:** 43061114  
**District Code: YAK**  
**Invoice #:** 14973

---

**CNGC - Billing Department Use Only:**
<table>
<thead>
<tr>
<th>Point Number</th>
<th>Point Name</th>
<th>Scheduled</th>
<th>Usage</th>
<th>Daily Tolerance</th>
<th>Allowed Usage</th>
<th>OVERAGE</th>
<th>PENALTY/DTH</th>
<th>TOTAL PENALTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>410</td>
<td>Tree Top Wenatchee</td>
<td>160</td>
<td>199</td>
<td>8.000%</td>
<td>173</td>
<td>26</td>
<td>15.630</td>
<td>$ 406.38</td>
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<tr>
<td>410</td>
<td>Tree Top Wenatchee</td>
<td>798</td>
<td>1023</td>
<td>8.000%</td>
<td>862</td>
<td>161</td>
<td>179.745</td>
<td>$ 28,938.95</td>
</tr>
<tr>
<td>410</td>
<td>Tree Top Wenatchee</td>
<td>788</td>
<td>1010</td>
<td>8.000%</td>
<td>851</td>
<td>159</td>
<td>179.745</td>
<td>$ 28,579.46</td>
</tr>
<tr>
<td>410 Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$ 57,924.78</td>
</tr>
</tbody>
</table>
Dear Transportation Customer,

Entitlement penalties are intended to be financial incentives to ensure our transportation class customers are bringing on adequate supplies to cover their natural gas usage and not impose operational harm to Cascade's distribution system integrity. These penalties do not increase the earnings of Cascade Natural Gas Co. All penalty revenue is required to be deferred and passed back to Cascade core customers as an offset to gas costs. As is always the case, Cascade encourages you to work with your gas supply marketing agent to ensure they are bringing on appropriate supplies for your operating needs to prevent future penalties. If you have questions about entitlements or information contained in this correspondence, please contact one of our Managers of Industrial Services.

Enclosed please find the February 2021 Entitlement overrun penalty for the indicated facility.

Brian Cunnington | Manager, Industrial Services/ Eastern Washington & Oregon
Cascade Natural Gas Corporation
[office] (509) 734-4539
brian.cunnington@cngc.com

Kent Crouse | Manager, Industrial Services/Western Washington
Cascade Natural Gas Corporation
[office] (360) 765-2348
kent.crouse@cngc.com
**INVOICE**

SOLD TO:

TREE TOP
PO BOX 248
SELAH WA 98942

Terms: DUE IN 30 DAYS

<table>
<thead>
<tr>
<th>Line</th>
<th>Due Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>001</td>
<td>04/15/21</td>
<td>ENTITLEMENT PENALTY FEB 2021</td>
<td>114,857.06</td>
</tr>
</tbody>
</table>

Please put invoice number 15006 on payment.

<table>
<thead>
<tr>
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<th>Tax Rate</th>
<th>Tax</th>
<th>Total Amount Due</th>
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</thead>
<tbody>
<tr>
<td>$114,857.06</td>
<td></td>
<td></td>
<td>$114,857.06</td>
</tr>
</tbody>
</table>

Payment Options:

By Phone: A credit/debit card payment can be made with our independent service provider by calling 844-385-0118. A fee for each transaction will apply.

Online: [www.cngc.com/Invoices](http://www.cngc.com/Invoices)

Mail: Cascade Natural Gas
Attn: Revenue Accounting
8113 W Grandridge Blvd
Kennewick, WA 99336

Direct Inquiries To:
877-610-4881
## Invoice Request Form

**State:** Washington  
**District:** CGO - Kennewick  
**Prep. By:** TRUDY NUGENT  
**Date:** 3/15/2021

### Customer Billing Information
- **Customer Name:** TREE TOP PROSSER  
- **Address:** PO BOX 248  
- **City, State, Zip:** SELAH WA 98942-0248  
- **Attention:**  
- **Phone Number:**

### Service Address Information
- **Date of Service:** Feb-21  
- **Address:** 2780 LEE RD  
- **City, State, Zip:** PROSSER WA 99350  
- **CCB Account #:** 661 000 0000  
- **Metretek #:** 1860

### Invoice Type
- Third Party Damage
- Modifications
- Miscellaneous Sales
- Other (Please fill in)

### Description
- Installation
- Repair
- Replace
- Relocate
- Retire
- Other

### Type of Work
- Entitlement Penalty

### Type of Facility
- Main
- Repair
- Meter/Reg
- Other

### Items - Labor, Materials, Equipment, Gas Loss, Treble Charge, etc.

<table>
<thead>
<tr>
<th>Qty.</th>
<th>Units</th>
<th>Unit Price</th>
<th>Description</th>
<th>GL Code</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td>114,857.06</td>
<td>Entitlement Penalty - FEBRUARY 2021</td>
<td>47WA.2530.01253</td>
<td>114,857.06</td>
</tr>
</tbody>
</table>

**Subtotal:** 114,857.06

**Total Invoice Amount:** $114,857.06

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**CNFG - District Approval**  
**CNFG - Billing Department Use Only:**
- JDE Acct #: 1199235  
- Batch #: [Redacted]  
- Dist Code: YAK  
- Invoice #: [Redacted]

**Manager Approval**  
**Date**
<table>
<thead>
<tr>
<th>Point Number</th>
<th>Point Name</th>
<th>Scheduled</th>
<th>Usage</th>
<th>Daily Tolerance</th>
<th>Allowed Usage</th>
<th>OVERAGE</th>
<th>PENALTY/DTH</th>
<th>TOTAL PENALTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1860</td>
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<td>931</td>
<td>1238</td>
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<td>233</td>
<td>179.745</td>
<td>$ 41,880.59</td>
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<tr>
<td>1860</td>
<td>Tree Top Prosser</td>
<td>931</td>
<td>1411</td>
<td>8.000%</td>
<td>1005</td>
<td>406</td>
<td>179.745</td>
<td>$ 72,976.47</td>
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<tr>
<td><strong>1860 Total</strong></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>$ 114,857.06</strong></td>
</tr>
</tbody>
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Dear Transportation Customer,

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Cascade Natural Gas Corporation
[office] (509) 734-4539
brian.cunnington@cngc.com

Kent Crouse | Manager, Industrial Services/Western Washington
Cascade Natural Gas Corporation
[office] (360) 788-2349
kent.crouse@cngc.com
SOLD TO:

TREE TOP
PO BOX 248
SELAH WA 98942

Terms: DUE IN 30 DAYS

Service Address: 101 S RAILROAD AVE-SELAH

<table>
<thead>
<tr>
<th>Line</th>
<th>Due Date</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>001</td>
<td>04/15/21</td>
<td>ENTITLEMENT PENALTY FEB 2021</td>
<td>26,063.03</td>
</tr>
</tbody>
</table>

Please put invoice number 15023 on payment.

<table>
<thead>
<tr>
<th>Total</th>
<th>Tax Rate</th>
<th>Tax</th>
<th>Total Amount Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>$26,063.03</td>
<td></td>
<td></td>
<td>$26,063.03</td>
</tr>
</tbody>
</table>

Payment Options:
- Online: www.cngc.com/invoices
- Mail: Cascade Natural Gas
  Attn: Revenue Accounting
  8113 W Grandridge Blvd
  Kennewick, WA 99336

Direct Inquiries To:
877-610-4881
# Invoice Request Form

**State:** Washington  
**District:** CGO - Kennewick  
**Prep. By:** TRUDY NUGENT  
**Date:** 3/15/2021  
**Is this a correction to existing Invoice?** No  
**If so, original invoice #:**

<table>
<thead>
<tr>
<th>Customer Billing Information</th>
<th>Service Address Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Customer Name:</strong> TREE TOP</td>
<td><strong>Date of Service:</strong> Feb-21</td>
</tr>
<tr>
<td><strong>Address:</strong> PO BOX 248</td>
<td><strong>Address:</strong> 101 S RAILROAD AVE</td>
</tr>
<tr>
<td><strong>City, State, Zip:</strong> SELAH, WA 98942-0246</td>
<td><strong>City, State, Zip:</strong> SELAH, WA 98942</td>
</tr>
<tr>
<td><strong>Attention:</strong> RE:TREE TOP ROSS</td>
<td><strong>CCB Account #:</strong> 791 000 0000</td>
</tr>
<tr>
<td><strong>Phone Number:</strong></td>
<td><strong>Metrizek #:</strong> 2090</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Invoice Type</th>
<th>Description</th>
<th>Type of Work (check one)</th>
<th>Type of Facility (check one)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Third Party Damage</td>
<td></td>
<td>Installation</td>
<td>Main</td>
</tr>
<tr>
<td>Modifications</td>
<td></td>
<td>Repair</td>
<td>Service</td>
</tr>
<tr>
<td>Miscellaneous Sales</td>
<td></td>
<td>Replace</td>
<td>Meter/Reg</td>
</tr>
<tr>
<td>Other (Please fill in)</td>
<td>Entitlement Penalty</td>
<td>Relocate</td>
<td>Other</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Retire</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Other</td>
<td></td>
</tr>
</tbody>
</table>

**Items - Labor, Materials, Equipment, Gas Loss, Treble Charge, etc.**

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<th>Qty.</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td>26,063.03</td>
<td>Entitlement Penalty - FEEBURY 2021</td>
<td>47WA.2630.01253</td>
<td>26,063.03</td>
</tr>
</tbody>
</table>

**Subtotal:** 26,063.03

**Total Invoice Amount:** $26,063.03

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**CNGC - District Approval**

**CNGC - Billing Department Use Only**

<table>
<thead>
<tr>
<th>JDE Acct #:</th>
<th>1199235</th>
<th>Batch #:</th>
<th>1541948</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Code:</td>
<td>YAK</td>
<td>Invoice #:</td>
<td>15023</td>
</tr>
</tbody>
</table>

**Manager Approval**

**Date**

---

Page 1 of 1
<table>
<thead>
<tr>
<th>Point Number</th>
<th>Point Name</th>
<th>Scheduled</th>
<th>Usage</th>
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<th>OVERAGE</th>
<th>PENALTY/DTH</th>
<th>TOTAL PENALTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>2090 Tree Top Ross</td>
<td>788</td>
<td>996</td>
<td>8.000%</td>
<td>851</td>
<td>145</td>
<td>179.745</td>
<td>$</td>
<td>$26,063.03</td>
</tr>
<tr>
<td>2090 Total</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$26,063.03</td>
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</tbody>
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Cascade Natural Gas Corporation
[office] (609) 734-4539
brian.cunnington@cngc.com

Kent Crouse | Manager, Industrial Services/Western Washington
Cascade Natural Gas Corporation
[office] (360) 788-2346
kent.crouse@cngc.com