

Attachment 5

to

DECLARATION OF BRIAN CUNNINGTON

Tree Top's Proof of Payment and Protest Letter



220 E. Second Ave. P.O. Box 248 Selah, WA 98942-0248 p 509.697.7251 f 509.698.1460 treetop.com

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

THE BACKGROUND OF THIS DOCUMENT IS GRAY AND WILL SHOW THE WORD VOID IF PHOTOCOPIED



Bank of America
North Carolina

66-796
531

Check Date
06/24/21

Check No.
893994

PAY One Hundred Ninety-eight Thousand Eight Hundred Forty- \$ ***** 198,844.87
four And 87/100 Dollars

To
The
Order
Of: CASCADe NATURAL GAS CORP
ATTN: REVENUE ACCOUNTING
8113 W GRANDRIDGE BLVD
KENNEWICK WA 99336

BY *Tom Huron*

SEE BACK OF THIS DOCUMENT FOR A LIST OF IMPORTANT SECURITY FEATURES

⑈893994⑈ ⑆053107989⑆ 000480118693⑈

Invoice No.	Inv. Date	Comments	Gross Amount	Disc. Amount	Paid Amount
14973	03/16/21	DISPUTING CHARGES	57,924.78		57,924.78
15006	03/16/21	DISPUTING CHARGES	114,857.06		114,857.06
15023	03/16/21	DISPUTING CHARGES	26,063.03		26,063.03
Total:				USD	198,844.87

Please review letter attached.

CUST # 1199235

INV # 14973 - \$57,924.78

INV # 15006 - \$114,857.06

INV # 15023 - \$26,063.03



In the Community to Serve®

INVOICE

SOLD TO:

TREE TOP
 PO BOX 248
 SELAH WA 98942

Invoice Number: 14973
Customer Number: 1199235
Invoice Date: 03/16/21

Terms: DUE IN 30 DAYS

Service Address: 3981 STATE HWY 97A-WENATCHEE

Line	Due Date	Description	Amount
001	04/15/21	ENTITLEMENT PENALTY FEB 2021	57,924.78
Please put invoice number 14973 on payment.			
Total		Tax Rate	Tax
\$57,924.78			\$57,924.78

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:

877-610-4881

Point Number	Point Name	Scheduled	Usage	Daily Tolerance	Allowed Usage	OVERAGE	PENALTY/DTH	TOTAL PENALTY
410	Tree Top Wenatchee	160	199	8.000%	173	26	15.630	\$ 406.38
410	Tree Top Wenatchee	798	1023	8.000%	862	161	179.745	\$ 28,938.95
410	Tree Top Wenatchee	788	1010	8.000%	851	159	179.745	\$ 28,579.46
410 Total								\$ 57,924.78



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) 788-2348
kent.crouse@cngc.com



INVOICE

SOLD TO:

TREE TOP
 PO BOX 248
 SELAH WA 98942

Invoice Number: 15006
Customer Number: 1199235
Invoice Date: 03/16/21

Terms: DUE IN 30 DAYS

Service Address: 2780 LEE RD-PROSSER

Line	Due Date	Description	Amount
001	04/15/21	ENTITLEMENT PENALTY FEB 2021	114,857.06
Please put invoice number 15006 on payment.			
Total		Tax Rate	Tax
\$114,857.06			Total Amount Due
			\$114,857.06

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:
 877-610-4881

Point Number	Point Name	Scheduled	Usage	Daily Tolerance	Allowed Usage	OVERAGE	PENALTY/DTH	TOTAL PENALTY
1860	Tree Top Prosser	931	1238	8.000%	1005	233	179.745	\$ 41,880.59
1860	Tree Top Prosser	931	1411	8.000%	1005	406	179.745	\$ 72,976.47
1860 Total								\$ 114,857.06



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In the Community to Serve®

INVOICE

SOLD TO:

TREE TOP
 PO BOX 248
 SELAH WA 98942

Invoice Number: 15023
Customer Number: 1199235
Invoice Date: 03/16/21

Terms: DUE IN 30 DAYS

Service Address: 101 S RAILROAD AVE-SELAH

Line	Due Date	Description	Amount
001	04/15/21	ENTITLEMENT PENALTY FEB 2021	26,063.03
Please put invoice number 15023 on payment.			
Total		Tax Rate	Tax
\$26,063.03			Total Amount Due
			\$26,063.03

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:

877-610-4881

Point Number	Point Name	Scheduled	Usage	Daily Tolerance	Allowed Usage	OVERAGE	PENALTY/DTH	TOTAL PENALTY
2090	Tree Top Ross	788	996	8.000%	851	145	179.745	\$ 26,063.03
2090 Total								\$ 26,063.03



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