

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

CASCADE NATURAL GAS
CORPORATION,

Respondent.

DOCKET NO. UG-060256

**RESPONSE OF CASCADE NATURAL
GAS CORPORATION TO PUBLIC
COUNSEL'S MOTION**

1. Pursuant to WAC 480-07-375(4), Cascade Natural Gas Corporation ("Cascade" or "the Company") submits this response to Public Counsel's Motion for Leave to File Response to Bench Request No. 6; Objection ("Motion") filed on July 16, 2007.
2. On July 9, 2007, Cascade filed its responses to Bench Request Nos. 5 and 6 issued by the Commission on June 26, 2007. These bench requests sought information related to the Conservation Plan that Cascade filed with the Commission on May 7. Following the filing of the Conservation Plan, the Commission received comments from several parties¹ on May 22 and responsive comments from some parties, including Cascade, on June 6.
3. By its Motion, Public Counsel seeks leave to file comments ("Proposed Comments") on Cascade's response to Bench Request No. 6. This bench request was issued to Cascade, and responses were not solicited from any other party. As Public Counsel correctly notes, the Commission's rules do not provide for "comments" on bench request responses that another party submits (unless the Commission, of course, expressly invites such comments). In this case, the Commission did not invite other parties to provide commentary on Cascade's responses.
4. The Proposed Comments which Public Counsel seeks to submit here largely repeat its comments submitted on May 22, 2007 with respect to Cascade's Conservation Plan. The essence

¹ Comments were filed by Commission Staff, Public Counsel, NW Energy Coalition, and The Energy Project.

of Public Counsel's Proposed Comments, if accepted by the Commission, is to argue that Cascade's Conservation Plan is "deficient," and the bases for this claim are largely the same reasons advanced by Public Counsel in its May 22 comments, a fact that Public Counsel itself acknowledges in its Proposed Comments.² No purpose is served by duplicative pleadings which simply reiterate the same points. Public Counsel submits that its Proposed Comments address the issue of whether Cascade should be allowed to implement a decoupling pilot program.³ Public Counsel's position with respect to decoupling generally is very clear, and its position with respect to whether decoupling should be authorized for Cascade is very clear as well. Public Counsel has stridently opposed decoupling in principle and, with respect to Cascade in particular, went so far as to refuse to participate in Cascade's Conservation Advisory Group on the grounds that "no purpose would be served by [its] participation" given its belief "that the decoupling mechanism outlined in the Order is not a fair or cost-effective way to achieve energy efficiency and is significantly flawed."⁴ Public Counsel's Motion for Leave to File Response to Bench Request No. 6 should be denied.

5. In the alternative, Public Counsel points to WAC 480-07-405(6)(c), which authorizes a party to "object" to a response to a bench request. The rule indeed does permits a party to "raise an objection based on the content of a bench request response." However, the nature of Public Counsel's response is not that of an "objection;" it is not making technical arguments as to whether the response is accurate, or disputing calculations. Rather, Public Counsel is offering its *commentary* on the content of the bench request response, and making policy arguments as to whether the response is "adequate" for the purpose of deciding "the question of whether Cascade has met the conditions under which a decoupling pilot will be allowed to go forward."⁵ Moreover, these evaluative comments are from the perspective of a party that has consistently and repeatedly expressed its opposition to decoupling in general, and Cascade's decoupling pilot

² Proposed Comments at 1.

³ Motion at 2.

⁴ See Attachment 1 to Responsive Comments of Cascade (June 6, 2007).

⁵ Motion at 2.

program in particular. This is not an "objection;" this is argument. The Commission presumably does not need to hear arguments from the parties as to whether a response to a bench request is deemed to be "adequate." The Commission itself will determine whether a response to its bench request is "adequate," and it does not need the benefit of Public Counsel's evaluative – and biased – arguments on this point.

6. For the foregoing reasons, Cascade respectfully urges the Commission (1) to deny Public Counsel's Motion for Leave to File Response to Bench Request No. 6, and (2) to deny Public Counsel's alternative request to have its comments considered as an "objection" under WAC 480-07-405(6)(c).

Respectfully submitted this 18th day of July, 2007.

CASCADE NATURAL GAS CORPORATION



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CERTIFICATE OF SERVICE

I hereby certify that I have this day served this **RESPONSE OF CASCADE NATURAL GAS CORPORATION TO PUBLIC COUNSEL'S MOTION** upon all parties of record in this proceeding by causing a copy to be sent by electronic mail and U.S. mail to:

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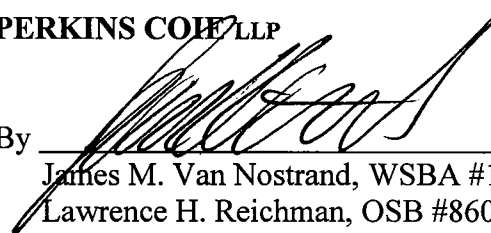
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Dated this 18th day of July, 2007.

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