BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION **Complainant** **v.** **CASCADE NATURAL GAS CORPORATION,** **Respondent**	**DOCKET PG-230800** **INTERVENOR SAPPHIRE GAS SOLUTIONS LLC'S MOTION FOR LEAVE TO REPLY TO STAFF'S REPLY TO CASCADE'S RESPONSE**

I. INTRODUCTION

1 Intervenor Sapphire Gas Solutions LLC ("Sapphire") filed a Motion to Dismiss Staff's complaint alleging that Cascade Natural Gas Corporation ("Cascade") violated state and federal laws and regulations in relation to an LNG release and ignition that occurred at Toppenish, Washington on September 22, 2023. Commission Staff filed a response to Sapphire's Motion on July 10, 2025. Cascade filed a response to Sapphire's Motion on July 11, 2025, supporting the Motion to Dismiss. Staff filed a Motion for Leave to reply and its reply to Cascade's response, raising new questions of law and making outrageous allegations that address not only Cascade's response, but Sapphire's Motion to Dismiss. As the movant party for the Motion to Dismiss, Sapphire now files for leave to reply to Staff's reply so that it may clarify misconceptions raised by Staff.

2 The Commission should grant Sapphire leave to reply to ensure that new arguments and legal authorities raised may be adequately addressed. Without a reply, Sapphire is deprived of the opportunity to address issues raised by Staff's reply that Sapphire has not had the opportunity to address.

II. RELIEF REQUESTED

3 Sapphire respectfully requests that the Commission grant it leave to reply to Staff's reply in support of Sapphire's Motion to Dismiss.

III. STATEMENT OF FACTS

4 On March 27, 2025, the Commission issued a complaint in this docket against Cascade alleging multiple violations of state and federal pipeline safety laws and regulations. Sapphire filed to intervene in this matter on April 22, 2025 which was granted during the prehearing conference on April 25, 2025. Consistent with timeline discussed during the prehearing conference, Sapphire filed a Motion to Dismiss on July 1, 2025. Staff responded on July 10, 2025. Cascade responded on July 11, 2025, supporting dismissal. Staff filed for leave to reply to Cascade's response on July 18, 2025.

5 Sapphire now seeks leave to reply to address Staff's new arguments.

IV. STATEMENT OF ISSUES

6 Should the Commission grant Sapphire leave to reply?

V. ARGUMENT

7 Good cause exists to grant Sapphire leave to reply. Staff's Reply raises new legal and factual arguments derived from Cascade's response to Sapphire's Motion to Dismiss. Sapphire's proposed reply directly addresses the new arguments and theories presented by Staff. The Commission has discretion to accept replies with a showing of good cause.[1]

8 Staff's reply presents new arguments as to why Cascade, a pipeline operator, ought to be subject to penalties and fines for the operation of a mobile temporary LNG facility that is not part of the pipeline system. Absent the requisite leave, Sapphire will not have an

[1] WAC 480-07-370(5)(a).

opportunity to address Staff's arguments, which directly implicate its Motion to Dismiss. Granting Sapphire leave to respond to Staff's arguments will not only assist each decisionmaker in understanding the positions of the parties, but will ensure that the Commission's record is complete.

9 Although the Commission's rules do not anticipate the need for a party to reply to another's reply, at issue is a reply directed to Cascade's response, but raising new issues in response to Sapphire's Motion to Dismiss. The rules anticipate circumstances that may necessitate an exception or deviation from the rules. The Commission "may grant an exemption from, or modify the application of, any of its rules in individual circumstances if the exemption or modification is consistent with the public interest, the purposes underlying regulation, and applicable statutes."[2]

10 Here, Intervenor Sapphire filed a motion to dismiss all claims against Cascade. Cascade responded to Sapphire's motion, in support of dismissal. Staff's reply now presents new arguments against both Cascade's and Sapphire's positions. As the movant party, Sapphire should be provided the opportunity to respond. Granting Sapphire leave to file its reply would be in the public interest because it addresses new arguments raised by Staff and will assist the decisionmaker in understanding the issues.

VI. CONCLUSION

11 Sapphire requests that the Commission grant it leave to file the attached reply to Staff's reply to Cascade's response to the Motion to Dismiss.

[2] WAC 480-07-110.

Dated: July 21, 2025

Respectfully submitted,

/s/ *George O. Wilkinson*

George O. Wilkinson
Texas Bar No. 21492850
Kevin A. Moscon
Texas Bar No. 24121024
VINSON&ELKINS LLP
845 Texas Ave.
Suite 4700
Houston, Texas 77002
T: 1.713.758.4834
E: gwilkinson@velaw.com
kmoscon@velaw.com