

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

WASHINGTON UTILITIES AND)	DOCKET UG-070332
TRANSPORTATION COMMISSION,)	(Consolidated)
)	
Complainant,)	
)	
v.)	
)	
CASCADE NATURAL GAS)	
CORPORATION,)	
)	
Respondent.)	
)	
.....)	
)	
In re Notification of Contract and)	DOCKET UG-070639
Arrangement between)	(Consolidated)
)	
CASCACADE NATURAL GAS)	
CORPORATION,)	ORDER 06
)	
and its subsidiary)	ORDER INVOKING DISCOVERY
)	RULES
CGC ENERGY, INC.)	
)	
.....)	

1 **NATURE OF PROCEEDINGS.** Docket UG-070332 involves tariff revisions Cascade Natural Gas Corporation (Cascade) filed in response to Order 03 in Cost Management Services, Inc. (CMS), complaint proceeding in Docket UG-061256. The tariff revisions establish schedules for retail gas sales to non-core customers and associated services. The Washington Utilities and Transportation Commission (Commission) suspended the tariff schedules in Order 01 following its March 14, 2007, open meeting.

2 Docket UG-070639 involves Cascade’s notice to the Commission that it intends to make retail gas sales to non-core customers through a reactivated affiliate, CGC Energy, Inc.¹

3 **APPEARANCES.** John A. Cameron, Davis Wright Tremaine, LLP, Portland, Oregon, represents CMS. Lawrence H. Reichman, Perkins Coie, LLP, Portland, Oregon, represents Cascade. Edward A. Finklea and Chad M. Stokes, attorneys, Cable Huston Benedict Haagensen & Lloyd LLP, Portland, Oregon, represent the Northwest Industrial Gas Users (NWIGU). Simon ffitch and Sarah Shifley, Assistant Attorneys General, Seattle, Washington, represent the Public Counsel Section of the Washington Office of the Attorney General (Public Counsel). Gregory J. Trautman, Assistant Attorney General, Olympia, Washington, represents the Commission’s regulatory staff (Commission Staff or Staff).²

4 **REQUEST TO INVOKE DISCOVERY RULES.** During the prehearing conference held on November 20, 2007, the parties deferred invoking the Commission’s discovery rules in WAC 480-07-400 – 425 until they determined the need to conduct discovery. On December 11, 2007, Commission Staff filed a letter with the Commission requesting the Commission invoke the discovery rules. Staff reports that Cascade does not oppose Staff’s request but requests that discovery be conducted pursuant to a protective order.³ Staff’s request is granted: This proceeding meets the criteria in WAC 480-07-400(2)(b), and discovery will be conducted pursuant to the Commission’s discovery rules in WAC 480-07-400 – 425. The Commission urges the parties to work cooperatively together to avoid having to bring discovery matters forward for formal resolution.

¹ The Commission consolidated Dockets UG-070332 and UG-070639 on October 12, 2007. See Order 03 – Order Accepting CMS’s Petition for Interlocutory Review; Denying Petition; Order Consolidating Docket in Docket UG-070332 and Order 01 – Order Consolidating Docket UG-070639.

² 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 Administrative Law Judge, and the Commissioners’ policy and accounting advisors from all parties, including regulatory staff. *RCW 34.05.455*.

³ The Commission entered a protective order, Order 05, in these consolidated dockets on December 13, 2007.

- 5 **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 480-07-810. 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 December 14, 2007.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL
Administrative Law Judge