

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

In the Matter of the Petition of)	DOCKET UG-100199
)	
NORTHWEST NATURAL GAS)	ORDER 01
COMPANY,)	
)	
Petitioner,)	
)	
Seeking Exemption from the)	ORDER GRANTING
Provisions of WAC 480-90-275)	EXEMPTION FROM RULE;
Requiring Gas Companies to File the)	GRANTING ADDITIONAL TIME
2009 Fourth Quarter Results of)	TO FILE THE FOURTH
Operations Report by February 15,)	QUARTER RESULTS OF
2010)	OPERATIONS
.....)	

BACKGROUND

- 1 On February 3, 2010, Northwest Natural Gas Company (NW Natural or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting exemption for an extension of time to file its fourth quarter Results of Operations report for 2009. WAC 480-90-275 requires companies to file the report by February 15 of every calendar year. NW Natural requests for an extension of time in order to avoid having the results of operations report posted on the Commission’s website prior to the Company’s official fourth quarter and full-year earnings release and conference call to the ratings agencies on February 26, 2010. The Commission deems the Company’s request for an extension until February 26, 2010 an exemption from the rule.
- 2 An exemption from a rule may be granted if the exemption is in the public interest and consistent with the purposes underlying the rule. After reviewing NW Natural’s petition for an exemption, Commission Staff recommended granting the request to ensure that the Company does not release information prior to its scheduled conference call with rating agencies, provided that the company files the 2009 fourth quarter Results of Operations report by February 26, 2010.

FINDINGS AND CONCLUSIONS

- 3 (1) The Washington Utilities and Transportation Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates,

rules, regulations, practices, accounts, securities, transfers of property and affiliated interests of public service companies, including gas companies. *RCW 80.01.040, RCW 80.04, RCW 80.08, RCW 80.12, RCW 80.16 and RCW 80.28.*

- 4 (2) NW Natural is a gas company and a public service company subject to Commission jurisdiction.
- 5 (3) NW Natural is subject to WAC 480-90-275, which requires gas companies to file a report of actual results for Washington operations within forty-five days of the end of each quarter.
- 6 (4) Under WAC 480-90-008, the Commission may grant an exemption from the provisions of any rule in WAC 480-90 if consistent with the public interest, the purposes underlying regulation and applicable statutes. *See also WAC 480-07-110.*
- 7 (5) This matter came before the Commission at its regularly scheduled meeting on February 11, 2010.
- 8 (6) After reviewing the petition NW Natural filed in Docket UG-100199 on February 3, 2010, and giving due consideration, the Commission finds that the exemption is in the public interest and is consistent with the purposes underlying the regulation and applicable statutes and should be granted.

ORDER

THE COMMISSION ORDERS:

- 9 (1) The request by Northwest Natural Gas Company for an exemption from WAC 480-90-275 and for an extension until February 26, 2010, to file its fourth quarter results of operations report for 2009, is granted.
- 10 (2) Failure by Northwest Natural Gas Company to file its 2009 fourth Quarter Results of Operations report by February 26, 2010, may result in the Commission invoking RCW 80.04.405, which allows the Commission to assess penalties for violations of statute, rule and Commission orders.

- 11 (3) The Commission retains jurisdiction over the subject matter and Northwest Natural Gas Company to effectuate the provisions of this Order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Olympia, Washington, and effective February 11, 2010.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Executive Director and Secretary