

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UG 221

In the Matter of

NORTHWEST NATURAL GAS
COMPANY, dba NW NATURAL,

Request for a General Rate Revision

RULING

DISPOSITION: MOTION TO STRIKE DENIED

On October 1, 2012, the Citizens' Utility Board of Oregon (CUB) and the Northwest Industrial Gas Users (NWIGU) filed a joint motion to strike portions of NW Natural's response to the Commission's second bench request.

The bench request sought information related to the NW Natural's pension contributions during specific years. CUB and NWIGU ask the Commission to strike all of the information in NW Natural's response relating to the years 2004, 2005, and 2012 -- years outside the explicit scope of the bench request. CUB and NWIGU argue that the hearing in this docket has already taken place, that the record was left open for a few very limited purposes, and that allowing NW Natural's unsolicited information into the record at this late stage will set poor precedent for parties in the future, "who may seize on opportunities to stack the record even after the hearing when the record is supposed to be closed."

The motion to strike is denied. While CUB and NWIGU correctly assert that some of the information provided by NW Natural was unsolicited, it is unclear how admission of this data provided would prejudice the parties. And while late admission of evidence can in some circumstances raise issues of concern, I do not find these issues to be compelling here.

First, the parties have been given both an opportunity to conduct discovery on the company's response, and the opportunity to file a brief addressing any new issues raised by the response. To the extent CUB and NWIGU believe the information provided by NW Natural is inaccurate, they may so argue in their brief. They may also argue that little or no weight should be given to some or all of the information provided. Second, while the company's response provided more information than that expressly requested by the Commission, neither the bench request nor the company's response raise critical new issues. The bench request sought additional context for the company's historical actions regarding pensions, rather than evidence central to the Commission's legal and

policy decisions on the issue. The Commission will take all of this into consideration when determining the weight to be given NW Natural's response.

Dated this 2nd day of October, 2012, at Salem, Oregon.

Handwritten signature in cursive script, appearing to read "L. Hardie" followed by the word "FOR" in a smaller, less cursive font.

Lisa D. Hardie
Administrative Law Judge