TAYLOR Annette M

From: TAYLOR Annette M
Sent: Thursday, August 09, 2012 11:20 AM
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Cc: GRANT Michael; HARDIE Lisa
Subject: UG 221 NORTHWEST NATURAL GAS

UG 221 Parties:

Below are some points for discussion for tomorrow's prehearing conference. They address the hearing schedule and the Commission Examination. The parties are also welcome to raise any other issues or concerns during the conference.

Tentative agenda for the hearing scheduled for August 23/24:

- August 23 (am): Swear in witnesses; address objections to exhibits; address any other preliminary issues that may be raised; begin hearing (if time allows).
- August 23 (pm): Commission Examination
- August 24: Continue with hearing

The specific format for the Commission Examination has not yet been established. I will be discussing the issue with the Commissioners next week. The parties are encouraged to share thoughts or concerns about the process.

Commission Examination considerations for discussion:

- The Commission has often included a date for Commission Examination in procedural schedules, but none has actually taken place. At this point, we expect the examination to go forward in this docket.
- The purpose of the Commission Examination is to allow the Commissioners to ask clarifying questions (on the record) about the parties prefiled testimony and positions taken therein.
- The Commission Examination is intended to be one part of the hearing; the rest of the hearing will continue after the Commission Examination, and all Commission decisions will be based on the entirety of the record.
- Witness availability: I will make every effort to determine which witnesses the Commissioners are interested in questioning and will provide the information to the parties as quickly as possible. During the prehearing conference, however, I would ask the parties to identify any witnesses who reside out-of-state or have availability issues, to ensure a decision is made about these witnesses as quickly as possible.

- Format for the examination: What format should be used for the questioning? Should the identified witnesses testify individually? Should witnesses appear on panels by subject matter so that the group is available for questioning at the same time? What ground rules are appropriate for the Commissioners and the parties in questioning witnesses?

- If a party feels the need to rehabilitate a witness after Commissioner questioning, it is unlikely that the Commission Examination will provide an opportunity for witness rehabilitation. There will, however, be an opportunity for witness rehabilitation during the continuation of the hearing after the Commission Examination.

- If a Commissioner question elicits new evidence, opportunities will be provided to parties that wish to clarify or rebut that evidence. What process should be used to allow new evidence to be introduced given the suspension schedule?

Regards,
Lisa Hardie
Administrative Law Judge

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