

1 **BEFORE THE PUBLIC UTILITY COMMISSION**

2 **OF OREGON**

3 UM 1804

4 In the Matter of  
5 NORTHWEST NATURAL GAS  
6 COMPANY, dba, NW NATURAL,  
7 Application for Approval of Corporate  
8 Reorganization to Create a Holding  
9 Company.

STAFF'S REPLY TO NW NATURAL'S  
RESPONSE

10 **DISCOVERY SOUGHT**

11 In any merger or holding company proceeding, the Public Utility Commission of Oregon  
12 Staff (Staff) regularly propounds data requests for the same information requested here; namely,  
13 information related to presentations made to the Board of Directors, presentations made to  
14 investors and rating agencies, and meeting minutes.<sup>1</sup> In past proceedings under ORS 757.511,  
15 Staff has asked and received responses to these types of data requests that have resulted in the  
16 development of a robust evidentiary record for the Commission. Because these types of data  
17 requests and responses have been standard practice in similar proceedings that returned relevant,  
18 useful, and insightful information, Staff was surprised that the responses at issue here were  
19 heavily and significantly redacted. For an illustrative example, a 19-page presentation to NW  
20 Natural's Board was produced to Staff with 16 pages fully redacted.<sup>2</sup> Staff consulted with  
21 counsel for NW Natural (Company) regarding the extensive redactions, and while those  
22 conversations were helpful, Staff respectfully requests that the administrative law judge (ALJ)  
23 perform an in camera review to determine if the documents were over redacted.

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26 <sup>1</sup> For Staff's data requests, please see Staff's Motion to Compel Production at 6, and Staff's DRs attached to NW Natural's Response.

<sup>2</sup> See Confidential Exhibit A to Staff's Reply.

1 **BACKGROUND**

2 NW Natural claims that Staff and the Oregon Citizens' Utility Board (CUB) have asked  
3 for in camera review "with no basis other than conjecture and suppositions."<sup>3</sup> Because of the  
4 seriousness of that allegation, Staff includes a brief description of the events that led up to Staff  
5 and CUB's request for an in camera review.

6 Staff's singular objective has been to investigate NW Natural's proposal to create a  
7 holding company under the applicable standard of net benefits to customers and no harm to  
8 Oregon citizens. If NW Natural's proposal to create a holding company (HoldCo) is approved,  
9 HoldCo would have the ability to acquire other entities, other than Oregon utilities, that could  
10 affect the utility, without Commission approval. Because this is the Commission's only  
11 opportunity to review the potential risks and benefits of the holding company structure, Staff has  
12 been eager to create a robust record for Commission consideration.

13 Staff was surprised to receive discovery materials NW Natural considered responsive  
14 being produced in heavily redacted packets with no accompanying explanation as to why they  
15 were redacted other than a cursory assertion of the attorney-client privilege and/or work product  
16 doctrine. Staff consulted internally and confirmed that in past ORS 757.511 proceedings, these  
17 types of materials were produced for party review and generally did not contain attorney-client  
18 material; this fact indicated only that the high level of redaction was atypical practice, leading  
19 Staff to contact NW Natural for clarification. To be abundantly clear—never once did Staff  
20 indicate that it is entitled to review materials that are covered by the attorney-client privilege and,  
21 contrary to the picture NW Natural paints in its response, Staff did not argue that NW Natural's  
22 presentations could not be subject to the attorney-client privilege based on format or because  
23 similar materials were not privileged in the past.

24 What Staff did do, in an attempt to resolve the dispute informally, was to discuss the  
25 items at issue with NW Natural's attorneys and CUB's attorney to try to get a better  
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<sup>3</sup> NW Natural Response to Motions to Compel Production at 23.

1 understanding of why so many sets of incoming discovery materials were arriving with black  
2 redactions. Unfortunately, after weeks of phone calls, it was still unclear as to why that the  
3 attorney client privilege applied to the all of the redacted materials. Hence the conundrum: Staff  
4 was viewing pure black slides, without the benefit of a privilege log or equivalent, trying to  
5 assess if the privilege applied to materials not customarily subject to the privilege; the Company  
6 was making efforts to describe the content, but at such a high level (for fear of waiving the  
7 privilege) that only the Company could tell if the privilege applied. Furthermore, given that  
8 some of NW Natural's explanations seemed reasonable and other explanations seemed less so,  
9 the supplemental production of presentations with less redaction revealed information that was  
10 not privileged but had been redacted formerly,<sup>4</sup> and, for example, the attorney client privilege did  
11 not apply to [REDACTED],<sup>5</sup> Staff sought the  
12 practical solution of having the impartial ALJ review the materials to make the determination of  
13 whether the privilege applied. Such an approach protects the confidentiality of materials deemed  
14 privileged and produces disclosure of materials that are not. Staff has simply been trying to  
15 investigate this case, understand the risks not raised by the Company, and present all issues to the  
16 Commission in a clear and transparent way.

### 17 LEGAL STANDARD

18 NW Natural's response unnecessarily muddies the issues and misunderstands many of  
19 the arguments made in Staff's motion to compel. Instead of responding with a tit for tat  
20 argument on each issue, Staff provides clarity on the legal issues in this reply to assist with a  
21 quick resolution to the discovery impasse, so that Staff can re-focus on the development of the  
22 record for this case.

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<sup>4</sup> See Confidential Exhibit B to Staff's Reply.

<sup>5</sup> See Confidential Exhibit C to Staff's Reply.

1           **1. OEC 503 – Oregon’s Codification of the Attorney-Client Privilege**

2           Oregon is a state that has codified its interpretation of the common law attorney-client  
3 privilege in Oregon Evidence Code 503, found at ORS 20.224.<sup>6</sup> With the exception of two  
4 differences,<sup>7</sup> Oregon’s rule was based predominantly on the U.S. Supreme Court’s proposed  
5 Federal Rule of Evidence (FRE) 503.<sup>8</sup> However, Congress declined to adopt the U.S. Supreme  
6 Court’s proposed FRE 503; instead, it chose to allow federal courts to develop the parameters of  
7 the privilege through federal common law.<sup>9</sup> In other words, although the basic concept of the  
8 attorney-client privilege is the same across states, certain states have different definitions of the  
9 privilege,<sup>10</sup> and the privilege is treated differently as it pertains to corporations.<sup>11</sup>

10           In short, in its motion, Staff relied on Oregon Supreme Court and Court of Appeals cases  
11 that are binding law. NW Natural’s heavy reliance on federal case law from various circuits  
12 across the country is by no means unreasonable, but Staff notes that the federal common law can  
13 vary from state common law, and some states have interpreted the privilege more narrowly or  
14 more broadly. Below are the legal and factual issues for the ALJ to decide.

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19 <sup>6</sup> The 1981 Conference Committee Commentary to the rule notes that OEC 503 arguably does not change Oregon  
common law, but the rule’s coverage extends to areas in which current law is silent or unclear.  
20 <sup>7</sup> See Editors’ Notes, 1981 Conference Committee Commentary on “Rule 503. Lawyer-client privilege” (“Aside  
from minor changes made to conform this rule to form and style of Oregon statutes, there are two major differences  
21 between it and the proposed Federal Rule 503.”).  
<sup>8</sup> *Id.*  
22 <sup>9</sup> See Federal Rules of Evidence 501 and 502; *See also, State ex rel. Oregon Health Scis. Univ. v. Haas*, 325 Or 492,  
507, 942 P2d 261, 269 (1997).  
23 <sup>10</sup> For example, Massachusetts courts have adopted the definition stated in Wigmore on Evidence; North Carolina  
courts generally follow the definition stated in *United Shoe*; and many states have adopted their own statutes or rules  
of evidence that govern the attorney-client privilege in their state.  
24 <sup>11</sup> Ranging from control group test, *Upjohn* test, to state-specific. The Oregon Supreme Court has discussed the  
difference between Oregon’s law on attorney-client privilege and the proposed (and not adopted) FRE 503:  
25 “The definition of “representative of the client” that Oregon adopted in 1987 was not patterned after a definition in  
the proposed or enacted Federal Rules of Evidence. Thus, there is no federal commentary to guide us. Similarly,  
26 OEC 503(1)(d) is not patterned after any other state’s definition of “representative of the client.” Therefore, no other  
state’s interpretation of that term is instructive.” *State ex rel. Oregon Health Scis. Univ. v. Haas*, 325 Or 492, 507,  
942 P2d 261, 269 (1997).

1           **2. The threshold question for the ALJ is whether NW Natural has met its burden of**  
2           **showing that the attorney-client privilege applies.**

3           The party asserting the privilege bears the burden of showing that the privilege applies.<sup>12</sup>  
4           This is true regardless of whether one looks to Oregon law or to federal common law, and  
5           requires that the party asserting the privilege prove each essential element of the claim (Oregon  
6           courts discuss three elements, while federal courts commonly refer to eight elements, but the  
7           general principle is the same).<sup>13</sup> Whether the privilege has been correctly applied is a mixed-  
8           question of law and fact for the court;<sup>14</sup> specifically, “the determination of facts necessary to  
9           establish the existence of the privilege is a preliminary matter for the court.”<sup>15</sup>

10           As discussed in Staff’s motion, Oregon courts require the following three elements to  
11           successfully invoke the attorney-client privilege: “the person seeking to exclude the evidence  
12           must show: (1) the communication is confidential within the meaning of OEC 503(1)(b); (2) the  
13           communication was made for the purpose of facilitating the rendition of professional legal  
14           services to the client; and (3) the communication was between persons described in OEC  
15           503(2)(a) through (e).”<sup>16</sup>

16           Staff explained in its motion that NW Natural, the party bearing the burden, did not make  
17           this showing for the following reasons: (a) in the responses to Staff’s DRs in which it asserted  
18           the privilege, NW Natural gave *no reason* for doing so, (b) NW Natural did not provide a  
19           privilege log to explain how the three required elements were met, and (c) during informal phone  
20           conferrals, NW Natural’s attorneys verbally explained their rationale, but at such a high level  
21           (for fear of waiving the privilege) that Staff could not determine if the privilege applied. Further,

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23 <sup>12</sup> Laird C. Kirkpatrick, Oregon Evidence 333 (6th ed. 2013) (citing *U.S. v. Osborn*, 561 F.2d 1334 (9th Cir. 1977);  
24 *State v. Moore*, 45 Or App 837 (1980); *United States v. Ruehle*, 583 F3d 600, 607-08 (9th Cir 2009) (“The party  
asserting the privilege bears the burden of proving each essential element.” And in the federal context, “Typically,  
an eight-part test determines whether information is covered by the attorney-client privilege.”).

25 <sup>13</sup> *Id.*

26 <sup>14</sup> *Dole v. Milonas*, 889 F2d 885, 889 (9th Cir 1989); see ORS 40.030, the codification of OEC 104 “Preliminary  
Questions.”

<sup>15</sup> Wigmore at 347; see *State ex rel. Oregon Health Scis. Univ. v. Haas*, 325 Or 492, 498, 942 P2d 261, 264 (1997).

<sup>16</sup> *Little v. State By & Through Dep't of Justice*, 130 Or App 668, 673, 883 P2d 272, 275 (1994), *rev den*, 320 Or 492  
(1994), and *rev den*, 320 Or 492 (1994) (citing *State v. Jancsek*, 302 Or. 270, 275, 730 P.2d 14 (1986)).

1 NW Natural's production was inconsistent. NW Natural's motion response indicated that the  
2 presentations at issue bore an "attorney-client privilege" marking, but later noted that Staff had  
3 no way of knowing this because, when first made, the slides bore the notation, but when they  
4 were produced to the parties someone accidentally took the notation off, however, when the same  
5 slides were reproduced with less redaction someone put the notation back on, but failed to inform  
6 Staff. Other uncertainties existed as well, for example, when evaluating the privilege, the fact  
7 that a person is a lawyer does not make all communications with that person privileged. The  
8 communication needs to be rendering professional legal services to the client and for reverse  
9 communication, the client must be seeking legal services.<sup>17</sup> Thus, based on the limited  
10 information provided to Staff, it could not consistently determine if (1) the communications were  
11 intended to be confidential, (2) whether the slides and other materials were made for the purpose  
12 of providing legal services, and (3) who the author and recipient of the slides were—all essential  
13 elements to establish the privilege and a mixed question of law and fact for the ALJ to decide.

14 Staff notes that a privilege log or equivalent writing might have resolved some of the  
15 issues between the parties because privilege logs "allow an individual reviewing the log to assess  
16 the appropriateness of the privilege claim."<sup>18</sup> Courts differ on what suffices to meet privilege log  
17 requirements, but explain that "when a party refuses to produce documents during discovery on  
18 the basis that they are privileged or protected, it has a duty to particularize that claim . . . the  
19 focus is on the specific descriptive portion of the log, and not on conclusory invocations of the  
20 privilege or work-product rule."<sup>19</sup> Staff understands that privilege logs have not been typical in  
21 past Commission proceedings, but raises them to illustrate that Staff had limited knowledge from  
22 which to properly assess the privilege claim, and suggests they may be appropriate in the future.

23 In sum, the heavy redaction of routinely requested materials, the Company's application  
24 of the privilege in such a way that [REDACTED] are

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26 <sup>17</sup> See OEC 503(1).

<sup>18</sup> *Johnson v. Ford Motor Co*, 309 FRD 226, 234 (SD W Va 2015).

<sup>19</sup> *Id.*

1 attorney-client privileged, and the uncertainty of meeting the required privilege elements,  
2 prohibited assessment of whether the privilege was accurately applied. Thus, the ALJ can clear  
3 up the confusion between the parties by reviewing the preliminary question of law and fact as to  
4 whether NW Natural met its burden of making a prima facie case that the privilege applies to all  
5 documents identified in Staff's and CUB's motions.

6 **3. If an in camera review requires a "reasonable good faith basis" showing by Staff,**

7 **Staff can meet the standard.**

8 Staff argued that NW Natural did not meet its burden of showing the privilege applied.  
9 This is not the same as agreeing that the privilege applies to the materials, but one of the five  
10 exceptions enumerated in OEC 503(4)(a)-(e) makes the materials discoverable. This distinction  
11 matters because NW Natural cites to three federal cases that establish the "in camera" review  
12 standard for the "crime fraud exception" (OEC 503(4)(a)) to the privilege. For example, in *In re*  
13 *Grand Jury Investigation*, the Ninth Circuit looked to the U.S. Supreme Court decision in *Zolin*  
14 to establish the in camera review burden for the crime-fraud exception. This requires "only a  
15 factual showing sufficient to support a reasonable, good-faith belief that review of the privileged  
16 documents 'may reveal evidence to establish the claim that the crime fraud exception applies.'"<sup>20</sup>  
17 Importantly, the court explained that before reaching an "in camera" showing requirement:

18 The party asserting the attorney-client privilege has the burden of  
19 proving that the privilege applies to a given set of documents or  
20 communications. To meet this burden, a party must demonstrate  
21 that its documents adhere to the essential elements of the attorney-  
22 client privilege adopted by this court. In essence, the party  
23 asserting the privilege must make a prima facie showing that the  
24 privilege protects the information the party intends to withhold.  
25 We have previously recognized a number of means of sufficiently  
26 establishing the privilege, one of which is the privilege log  
27 approach.<sup>21</sup>

28 However, at the end of the Ninth Circuit opinion, the court did opine that, in the absence  
29 of any direct guidance on the issue, it would also apply the *Zolin* standard to instances where a

<sup>20</sup> *In re Grand Jury Investigation*, 974 F2d 1068, 1073 (9th Cir 1992) (quoting *Zolin*) (emphasis added).

<sup>21</sup> *Id* at 1070-71 (internal citations omitted).

1 party believes that the materials are not privileged for reasons other than the crime-fraud  
2 exception.<sup>22</sup> Conversely, a different court determined that the *Zolin* standard should not apply  
3 where a party asserts that the essential elements of the privilege are lacking, as in Staff's case:

4 [I]t is not necessary to resort to the crime-fraud exception to the  
5 attorney-client privilege, until the privilege itself has been  
6 attached. The burden of showing that documents are privileged  
7 rests with the party asserting the privilege . . . In *Zolin*, the Court  
8 considered the crime-fraud exception to the attorney-client  
9 privilege . . . That argument is off-point because the crime-fraud  
10 exception is not implicated in this case. Rather, the government  
11 asserts that the essential elements of the attorney-client privilege  
12 itself are lacking. *Zolin* is, therefore, inapposite . . . and *most*  
13 *important, the very purpose of conducting an in camera review is*  
14 *to determine which, if any, of a group of documents are privileged.*  
15 *Given this prudential purpose, in camera reviews should be*  
16 *encouraged, not discouraged.*<sup>23</sup>

17 By way of policy, it seems bizarre to shift NW Natural's burden of showing that the  
18 privilege applies over to the moving party who has asked for a review in camera *for the very*  
19 *reason* that no one could tell if the privilege applies. Nonetheless, Staff can meet the *Zolin*  
20 showing of facts adequate to support a reasonable good faith belief that in camera review of the  
21 materials *may reveal evidence* to establish that the attorney-client privilege does not apply based  
22 on Exhibit A and B to this reply, which contain a sample of the supplemental versions of the  
23 presentations showing that the privilege was inadvertently over asserted on the original slides.  
24 The *Zolin* in camera review standard is a low one and "the party requesting *in camera* review for  
25 the purposes of opposing a claim of attorney-client privilege does not need to match the *prima*  
26 *facie* showing made by [the party asserting privilege]."<sup>24</sup> Finally, the *Zolin* threshold must be  
27 applied "in light of the well established practice of conducting *in camera* review to prevent  
28 abuses of the attorney-client privilege."<sup>25</sup>

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30 <sup>22</sup> *Id* at 1074.

31 <sup>23</sup> *In re Grand Jury Subpoena (Mr. S.)*, 662 F3d 65, 69-70 (1st Cir 2011) (internal citations omitted) (emphasis  
32 added). Oregon case law provides no further help, as a leading case on the issue, *Frease v. Glaiser*, 330 Or 364  
33 (2000) applies the in camera review burden when the crime fraud exception is alleged.

34 <sup>24</sup> *IndyMac Res., Inc. v. Carter*, SACV1227JSTMLGX, 2013 WL 12138727, at \*2 (CD Cal Jan. 9, 2013).

35 <sup>25</sup> *In re Grand Jury Investigation*, 974 F2d 1068, 1072 (9th Cir 1992).



1           **4. Additional Clarifications.**

2           Although Staff feels that many of the positions taken in its motion were mischaracterized  
3 in NW Natural’s response, Staff will only address a few of them here. In its motion, Staff  
4 discussed whether the rating agency slides were covered by the attorney-client privilege based on  
5 the Company’s response: “NW Natural routinely provides presentations to its rating agencies . . .  
6 Attached are the confidential rating agency presentations, with privileged portions excerpted . . .  
7 .”<sup>26</sup> Such a response did not indicate whether the attorney-client privilege or work product  
8 doctrine was asserted. The Company asserts in its response that the rating agency slides are in  
9 fact covered by the work product doctrine. The work product protection for trial preparation  
10 materials applies only to items prepared in anticipation of litigation, not to materials prepared in  
11 the regular course of business.<sup>27</sup> The determination of whether materials were prepared in  
12 anticipation of litigation is a factual issue for the trial court to make.<sup>28</sup>

13           The work product doctrine is separate from the attorney-client privilege and a different  
14 standard exists to overcome it. Work product materials are ordered to be produced after a  
15 showing that the party seeking discovery has “substantial need” of the materials and cannot  
16 obtain a substantial equivalent without “undue hardship.”<sup>29</sup> The determination of whether  
17 “substantial need” has been shown is a factual determination committed to the discretion of the  
18 trial court,<sup>30</sup> and it is not as narrow as the example NW Natural provides in its response—when  
19 the witness from which information is sought is deceased. Staff has substantial need for the  
20 rating agency information and it is relevant to this case as the rating agencies determine the cost  
21 to borrow for the utility; Staff analyzes the HoldCo proposal against a “comparator,” i.e., the

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24 <sup>26</sup> NW Natural Response to Staff DR No. 15.

25 <sup>27</sup> *United Pacific Insurance Co. v. Trachsel*, 83 Or App 401, 404, 731 P2d 1059 (1987).

26 <sup>28</sup> *Id.*

27 <sup>29</sup> ORCP 36(B)(3): documents will be compelled upon a showing that “the party seeking discovery has substantial  
28 need of the materials in the preparation of such party’s case and is unable without undue hardship to obtain the  
29 substantial equivalent of the materials by other means.” See arguments made in Staff’s Motion to Compel at 20.

30 <sup>30</sup> *United Pacific Insurance Co. v. Trachsel*, 83 Or App 401, 404–405, 731 P2d 1059 (1987).

1 prudent and well-managed NW Natural as operating now,<sup>31</sup> and, undue hardship can exist where  
2 materials are exclusively in the opposing party's possession, as is the case here.<sup>32</sup> NW Natural is  
3 the only source this information can be gained from. Additionally, the Commission has  
4 acknowledged "that some documents may contain *both discoverable material* and work  
5 product."<sup>33</sup> Therefore, the ALJ should perform an in camera review to determine what is  
6 appropriately discoverable.

### 7 CONCLUSION

8 A simple solution exists to resolve the discovery impasse between NW Natural and  
9 Staff/CUB—an in camera review of the documents. An in camera review is standard practice in  
10 discovery disputes that will allow the ALJ to efficiently remedy this dispute while keeping  
11 privileged materials confidential and producing ones subject to discovery so this case can move  
12 forward. With its motion to compel, Staff did not intend to elicit a reactionary response from the  
13 Company such that it felt it needed to resist the standard course of an in camera review.  
14 Contrary to the picture NW Natural paints, Staff has been reasonable and compromising  
15 throughout the discovery process. Staff and intervenors have even encouraged and allowed NW  
16 Natural to file supplemental testimony in an effort to fill in the holes it has left in the record with  
17 regard to potential HoldCo investments.

18 In sum, Staff has been trying in earnest to do its job of investigating the facts,  
19 understanding the issues, and meeting its public service duty to investigate utility matters and  
20 make recommendations to the Commission that are in the public interest and protect ratepayers,  
21 all on an accelerated timeline, mainly to accommodate the Company. Staff's attempts to  
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23 <sup>31</sup> *Stampley v. State Farm Fire & Cas. Co.*, 23 F. App'x 467, 471 (6th Cir. 2001) (explaining that "substantial need"  
24 consists of the relative importance of the information in the documents to the party's case and the ability to obtain  
that information by other means.).

25 <sup>32</sup> *See gen., Loctite Corp. v. Fel-Pro, Inc.*, 667 F.2d 577, 582 (7th Cir. 1981) (court held that shelter of work product  
26 would not cover the test results held by plaintiff essential to defendant's claim that could not be obtained by other  
means; moreover, technical information separate from legal services does not come under the work product  
doctrine.).


<sup>33</sup> Docket No. UM 1087, Order No. 04-379 at fn 3 (July 8, 2004) (emphasis added) (citing *United Pacific Insurance  
Company v. Trachsel*, 83 Or App 401, 404 (1987)).

1 discover information relevant to the potential risks of the proposed transaction are not  
2 unreasonable, but rather are standard for all ORS 757.511 proceedings and cannot be retrieved  
3 from any other source but NW Natural. Staff continues to try to carry out its charge to protect  
4 the public interest and customers of regulated utilities. Therefore, Staff respectfully requests that  
5 the ALJ perform an in camera review of the redacted and unredacted versions of the documents  
6 identified in Staff's motion.

7 DATED this 4<sup>th</sup> day of May 2017.

8 Respectfully submitted,

9 ELLEN F. ROSENBLUM  
10 Attorney General

11   
12 Kaylie Klein, OSB # 143614  
13 Assistant Attorney General  
14 Of Attorney for Staff of the Public Utility  
15 Commission of Oregon  
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**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**UM 1804**

**Exhibit A to Staff's Reply**

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NW Natural Response to CUB DR 2  
(CUB DR 2 – Confidential Attachment 1)

CONFIDENTIAL SUBJECT TO PROTECTIVE  
ORDER 17-052

May 4, 2017

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**UM 1804**

**Exhibit B to Staff's Reply**

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NW Natural Supplemental Response to CUB DR 2  
(CUB DR 2 – Supplemental Confidential Attachment 1)

**CONFIDENTIAL SUBJECT TO PROTECTIVE  
ORDER 17-052**

May 4, 2017

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**UM 1804**

**Exhibit C to Staff's Reply**

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1 Page Excerpt from NW Natural Response to CUB DR 3  
(CUB DR 3 – Confidential Attachment 1)

1 Page Excerpt from NW Natural Supplemental  
Response to CUB DR 3  
(CUB DR 3 – Supplemental Confidential Attachment 1)

**CONFIDENTIAL SUBJECT TO PROTECTIVE  
ORDER 17-052**

May 4, 2017

**CERTIFICATE OF SERVICE**

**UM 1804**

I certify that I have, this date, caused to be served Staff's Reply to NW Natural's Response in Docket UM 1804 upon the parties listed below via first class mail.

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**CITIZENS UTILITY BOARD OF OREGON**

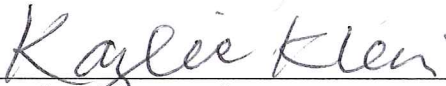
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DATED the 4th day of May 2017.

  
\_\_\_\_\_  
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