

**CABLE HUSTON BENEDICT HAAGENSEN & LLOYD LLP**

**ATTORNEYS AT LAW**

**SUITE 2000**

**1001 SW FIFTH AVENUE**

**PORTLAND, OREGON 97204-1136**

---

**TELEPHONE (503) 224-3092**

**FACSIMILE (503) 224-3176**

EDWARD A. FINKLEA

[efinklea@chbh.com](mailto:efinklea@chbh.com)  
[www.cablehuston.com](http://www.cablehuston.com)

October 24, 2005

Oregon Public Utility Commission  
Attn: Filing Center  
550 Capitol Street, N.E., #215  
P.O. Box 2148  
Salem, Oregon 97308-2148

RE: *In the Matter of the Adoption of Permanent Rules Implementing  
SB 408 Relating to Utility Taxes*  
***Docket No. AR 499***  
*Our File No. 26678.501*

Dear Filing Center:

Enclosed please find an original and one (1) copies of the **Northwest Industrial Gas Users' Notice of Intent to Request an Issue Fund Grant** in the above-referenced Docket. This was filed electronically with the OPUC on this date, and will be served both electronically and by U.S. Mail on those parties listed on the OPUC's current Service List.

Thank you for your assistance.

Respectfully submitted,



Edward A. Finklea

EAF/nh

cc: Current Service List

**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

**AR 499**

In the Matter of the Adoption of Permanent	)	
Rules Implementing SB 408 Relating to	)	NORTHWEST INDUSTRIAL GAS
Utility Taxes	)	USERS' NOTICE OF INTENT TO
	)	REQUEST AN ISSUE FUND
	)	GRANT
	)	
	)	

The Northwest Industrial Gas Users (“NWIGU”)<sup>1</sup> files this Notice of Intent to Request an Issue Fund Grant (“Notice of Intent”) in the above-captioned docket pursuant to OAR § 860-017-0050 and Article 6.2 of the Intervenor Funding Agreement (“IFA”).

1. The IFA was approved by the Oregon Public Utility Commission (“OPUC” or “Commission”) in Order No. 03-388 (July 2, 2003). NWIGU submits this Notice of Intent to notify the Commission of NWIGU’s intent to request intervenor funding in this Docket.

---

<sup>1</sup> NWIGU is a nonprofit association comprised of thirty-two end users of natural gas with major facilities in the states of Oregon, Washington, and Idaho. NWIGU members include diverse industrial interests, including food processing, pulp and paper, wood products, electric generation, aluminum, steel, chemicals, electronics, and aerospace. The association provides an informational service to its members and participates in various regulatory matters that affect member interests. NWIGU member companies purchase transportation services from Williams Gas Pipeline – West, also known as Northwest Pipeline Corporation (“NPC”), and from PG&E Gas Transmission, Northwest Corporation and purchase sales and transportation services from local distribution companies (“LDCs”), including NW Natural, Cascade and Avista, that acquire service from both pipelines.

2. Senate Bill 408 was passed by the 2005 Oregon Legislature and signed by the Governor. The new law requires Northwest Natural Gas Company (“NW Natural”), Portland General Electric (“PGE”), Pacific Power and Light (d/b/a “PacifiCorp”) and Avista Utilities (“Avista”) to file tax reports annually with the Commission. Beginning January 1, 2006, these tax reports may trigger an adjustment to customers’ bills from any overpayment of taxes. To implement SB 408, the Commission has adopted temporary rules in Docket AR 498, and in this Docket, AR 499, permanent rules will be adopted. There are significant legal and policy issues that must be resolved in this proceeding.

3. AR 499 is an eligible proceeding under Article 1 (c) of the IFA. The IFA defines an eligible proceeding as “any Commission proceeding that directly affects one or more of the Participating Public Utilities, including but not limited to rulemaking proceedings. . . .” IFA Article 1(c). AR 499 is a rulemaking that will directly affect all Participating Public Utilities. NW Natural is a Participating Public Utility under Article 1(k) of the IFA. Therefore, an Issue Fund Grant may be made for this proceeding under Article 6.1 of the IFA.

4. NWIGU is pre-certified to receive an Issue Fund Grant under Article 5.2 of the IFA.

5. NWIGU designates the NW Natural Account as the account from which NWIGU intends to request an Issue Fund Grant.

/

/

/

/

PAGE - 2 NWIGU NOTICE OF INTENT TO REQUEST AN ISSUE FUND GRANT

6. This Notice of Intent is timely under Article 6.2 of the IFA and is being served on each affected Participating Public Utility, all pre-certified organizations, and all parties identified on the service list for this Docket.

DATED: This 24<sup>th</sup> day of October, 2005, Portland, Oregon.



Edward A. Finklea OSB # 84216

Chad M. Stokes OSB # 00400

Cable Huston Benedict Haagensen & Lloyd LLP

1001 SW 5<sup>th</sup> Avenue, Suite 2000

Portland, OR 97204

Telephone: (503) 224-3092

Facsimile: (503) 224-3176

E-Mail: [efinklea@chbh.com](mailto:efinklea@chbh.com)

[cstokes@chbh.com](mailto:cstokes@chbh.com)

Of Attorneys for Northwest Industrial Gas Users  
Users Association

## CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing NORTHWEST INDUSTRIAL GAS USERS' NOTICE OF INTENT TO REQUEST AN ISSUE FUND GRANT on the attached Service List obtained on October 24, 2005 from the Oregon Public Utility Commission's Website:

[XX] by **MAILING** a full, true and correct copy thereof in a sealed, postage-paid envelope, addressed as shown on the attached Service List, and deposited with the U.S. Postal Service at Portland, Oregon, on the date set forth below;

[XX] and by **electronic mail** ("e-mail") to those parties on the Oregon Public Utility Commission's Website Service List who listed an e-mail address.

DATED: This 24<sup>th</sup> day of October, 2005, Portland, Oregon.



Edward A. Finklea OSB # 84216

Chad M. Stokes OSB # 00400

Cable Huston Benedict Haagensen & Lloyd LLP

1001 SW 5<sup>th</sup> Avenue, Suite 2000

Portland, OR 97204

Telephone: (503) 224-3092

Facsimile: (503) 224-3176

E-Mail: [efinklea@chbh.com](mailto:efinklea@chbh.com)

[cstokes@chbh.com](mailto:cstokes@chbh.com)

Of Attorneys for  
Northwest Industrial Gas Users Users Association

<u>ACTIONS</u>	<u>SERVICE LIST</u>	<u>SCHEDULE</u>
SAMMIE B ADAMS 1141 WYLIE LANE GRANTS PASS OR 97527	GARY BAUER NORTHWEST NATURAL 220 NW 2ND AVE PORTLAND OR 97209 gary.bauer@nwnatural.com	
LAURA BEANE PACIFICORP 825 MULTNOMAH STE 800 PORTLAND OR 97232-2153 laura.beane@pacificorp.com	SCOTT BOLTON PACIFICORP 825 NE MULTNOMAH PACIFICORP OR 97232 scott.bolton@pacificorp.com	
JULIE BRANDIS ASSOCIATED OREGON INDUSTRIES 1149 COURT ST NE SALEM OR 97301-4030 jbrandis@aoi.org	LOWREY R BROWN CITIZENS' UTILITY BOARD OF OREGON 610 SW BROADWAY, SUITE 308 PORTLAND OR 97205 lowrey@oregoncub.org	
ED BUSCH PUBLIC UTILITY COMMISSION OF OREGON PO BOX 2148 SALEM OR 97308-2148 ed.busch@state.or.us	R. TOM BUTLER  tom@butlert.com	
REP TOM BUTLER H-289 STATE CAPITOL SALEM OR 97310 cpatom@fmtc.com	RANDALL DAHLGREN PORTLAND GENERAL ELECTRIC 121 SW SALMON ST 1WTC 0702 PORTLAND OR 97204 randy.dahlgren@pgn.com	
MELINDA J DAVISON DAVISON VAN CLEVE PC 333 SW TAYLOR, STE. 400 PORTLAND OR 97204 mail@dvclaw.com	JIM DEASON ATTORNEY AT LAW 521 SW CLAY ST STE 107 PORTLAND OR 97201-5407 jimdeason@comcast.net	
MICHAEL EARLY INDUSTRIAL CUSTOMERS OF NORTHWEST UTILITIES 333 SW TAYLOR STE 400 PORTLAND OR 97204 mearly@icnu.org	JASON EISDORFER CITIZENS' UTILITY BOARD OF OREGON 610 SW BROADWAY STE 308 PORTLAND OR 97205 jason@oregoncub.org	

STEVE EVANS MIDAMERICAN ENGERY HOLDINGS COMPANY 666 GRAND AVE DES MOINES IA 50303 srevans@midamerican.com	DON M FALKNER AVISTA UTILITIES PO BOX 3727 SPOKANE WA 99220-3727 don.falkner@avistacorp.com
	ANN L FISHER AF LEGAL & CONSULTING SERVICES 2005 SW 71ST AVE PORTLAND OR 97225-3705 energylaw@aol.com
ANDREA FOGUE LEAGUE OF OREGON CITIES PO BOX 928 1201 COURT ST NE STE 200 SALEM OR 97308 afogue@orcities.org	KELLY FRANCONI ENERGY STRATEGIES 215 SOUTH STATE ST STE 200 SALT LAKE CITY UT 84111 kfranconi@energystrat.com
PAUL GRAHAM DEPARTMENT OF JUSTICE REGULATED UTILITY & BUSINESS SECTION 1162 COURT ST NE SALEM OR 97301-4096 paul.graham@state.or.us	ROBERT JENKS CITIZENS' UTILITY BOARD OF OREGON 610 SW BROADWAY STE 308 PORTLAND OR 97205 bob@oregoncub.org
JUDY JOHNSON PUBLIC UTILITY COMMISSION PO BOX 2148 SALEM OR 97308-2148 judy.johnson@state.or.us	JASON W JONES DEPARTMENT OF JUSTICE REGULATED UTILITY & BUSINESS SECTION 1162 COURT ST NE SALEM OR 97301-4096 jason.w.jones@state.or.us
GREGG KANTOR NORTHWEST NATURAL 220 NW SECOND PORTLAND OR 97209 gsk@nwnatural.com	MARGARET D KIRKPATRICK NORTHWEST NATURAL 220 NW 2ND AVE PORTLAND OR 97209 margaret.kirkpatrick@nwnatural.com
PAMELA G LESH PORTLAND GENERAL ELECTRIC 121 SW SALMON ST 1 WTC 1703 PORTLAND OR 97204 pamela.lesh@pgn.com	KEN LEWIS P.O. BOX 29140 PORTLAND OR 97296 kl04@mailstation.com

BLAIR LOFTIS PACIFICORP 825 NE MULTNOMAH PORTLAND OR 97232 blair.loftis@pacificcorp.com	LARRY O MARTIN PACIFIC POWER & LIGHT 825 NE MULTNOMAH STE 800 PORTLAND OR 97232 larry.martin@pacificcorp.com
KATHERINE A MCDOWELL STOEL RIVES LLP 900 SW FIFTH AVE STE 1600 PORTLAND OR 97204-1268 kamcdowell@stoel.com	RON MCKENZIE AVISTA UTILITIES PO BOX 3727 SPOKANE WA 99220-3727 ron.mckenzie@avistacorp.com
DANIEL W MEEK DANIEL W MEEK ATTORNEY AT LAW 10949 SW 4TH AVE PORTLAND OR 97219 dan@meek.net	SENATOR RICK METSGER STATE CAPITOL 900 COURT ST NE S-307 SALEM OR 97301 sen.rickmetsger@state.or.us
DAVID J MEYER AVISTA CORPORATION PO BOX 3727 SPOKANE WA 99220-3727 david.meyer@avistacorp.com	TERESA MILLER PORTLAND GENERAL ELECTRIC 121 SW SALMON ST PORTLAND OR 97204 teresa.miller@pgn.com
JAN MITCHELL PACIFIC POWER & LIGHT 825 NE MULTNOMAH STE 2000 PORTLAND OR 97232 jan.mitchell@pacificorp.com	CHRISTY OMOHUNDRO PACIFICORP 825 NE MULTNOMAH BLVD STE 800 PORTLAND OR 97232 christy.omohundro@pacificorp.com
THOMAS R PAINE AVISTA CORPORATION 1411 EAST MISSION SPOKANE WA 99202 tom.paine@avistacorp.com	RICHARD PEACH PACIFICORP 825 NE MULTNOMAH PORTLAND OR 97232 richard.peach@pacificorp.com
MATTHEW W PERKINS DAVISON VAN CLEVE PC 333 SW TAYLOR, STE 400 PORTLAND OR 97204 mwp@dvclaw.com	PAULA E PYRON NORTHWEST INDUSTRIAL GAS USERS 4113 WOLF BERRY COURT LAKE OSWEGO OR 97035-1827 ppyron@nwigu.org
LISA F RACKNER ATER WYNNE LLP 222 SW COLUMBIA ST STE 1800 PORTLAND OR 97201-6618 lfr@aterwynne.com	INARA SCOTT PORTLAND GENERAL ELECTRIC 121 SW SALMON ST PORTLAND OR 97204 inara.scott@pgn.com



BOB TAMLYN PORTLAND GENERAL ELECTRIC 121 SW SALMON ST PORTLAND OR 97204 bob.tamlyn@pgn.com	DOUGLAS C TINGEY PORTLAND GENERAL ELECTRIC 121 SW SALMON 1WTC13 PORTLAND OR 97204 doug.tingey@pgn.com
JAY TINKER PORTLAND GENERAL ELECTRIC PORTLAND GENERAL ELECTRIC COMPANY 121 SW SALMON STREET, 1WTC-0702 PORTLAND OR 97204 jay.tinker@pgn.com	RICK TUNNING MIDAMERICAN ENERGY HOLDINGS COMPANY 666 GRAND AVENUE DES MOINES IA 50303 rrtunning@midamerican.com
SENATOR VICKI L WALKER STATE CAPITOL PO BOX 10314 EUGENE OR 97440 sen.vickiwalker@state.or.us	BENJAMIN WALTERS CITY OF PORTLAND - OFFICE OF CITY ATTORNEY 1221 SW 4TH AVE - RM 430 PORTLAND OR 97204 bwalters@ci.portland.or.us
LINDA K WILLIAMS KAFOURY & MCDOUGAL 10266 SW LANCASTER RD PORTLAND OR 97219-6305 linda@lindawilliams.net	MARCUS A WOOD STOEL RIVES LLP 900 SW FIFTH AVENUE, SUITE 2600 PORTLAND OR 97204 mwood@stoel.com
PAUL M WRIGLEY PACIFIC POWER & LIGHT 825 NE MULTNOMAH STE 800 PORTLAND OR 97232 paul.wrigley@pacificorp.com	