

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UG 266

In the Matter of

NORTHWEST NATURAL GAS  
COMPANY, dba NW NATURAL,

Investigation into Schedule H, Large  
Volume Non-Residential High Pressure  
Gas Service Rider.

RULING

**DISPOSITION: HEARING PROCEDURES REVISED AND CLARIFIED**

A prehearing telephone conference was held in this docket on December 4, 2013. At the conference, the parties agreed to a tentative schedule which called for NW Natural to cross-examine Clean Energy witness Warren Mitchell. NW Natural estimated that the time required would be approximately 45 minutes. NW Natural also included 10-15 minutes for direct examination of its witness Barbara Summers to rebut Mitchell's November 18, 2013 direct testimony prior to offering her for cross-examination.

For its part, Clean Energy estimated 15 minutes to cross-examine NW Natural witness Mark Thompson, 90 minutes to cross-examine NW Natural witness Summers and 15 minutes to cross-examine Staff witness Erik Colville. Other parties reserved the right to cross-examine witnesses as well.

Thus, the time generally estimated, but not rigidly allotted, for the examination of witnesses was approximately three hours, of which Clean Energy expected to use two hours.

Late in the day of December 4, 2013, NW Natural informed Clean Energy and the Commission that it had withdrawn its request to cross examine Clean Energy witness Mitchell, would not be filing additional exhibits, but would expand its direct examination of its witness Summers from 15 to 30 minutes, thus reducing its total anticipated examination time by 30 minutes. Clean Energy opposes this change, asserting that rebuttal testimony was not authorized in prior orders and stating, "NW Natural now seeks to shuffle the proceeding so that it has the opportunity to present additional evidence without giving Mr. Mitchell the opportunity to respond to NW Natural's questions and concerns."

## DISCUSSION

NW Natural has not proposed to submit an additional round of unauthorized written testimony. It is well established that, as one of its primary purposes, a hearing allows, and even limits a witness' direct testimony to matters addressed in the prior testimony of either that person's own testimony or that of any other witness's prior testimony. This is precisely what NW Natural proposes to do. Clear Energy should be aware that, although, NW Natural did not choose to call Mr. Mitchell as a witness, Clear Energy is free to call Mr. Mitchell itself, to respond to the testimony of Ms. Summers.

## RULING

I find that the proposed changes to NW Natural's proposed use of its time will not unduly delay the proceedings or burden the record. The parties will be given ample opportunity to conduct direct and cross-examination of witnesses in full accordance with the demands of due process.

Dated this 5<sup>th</sup> day of December, 2013, at Salem, Oregon.



---

Allan J. Arlow  
Administrative Law Judge