

# McDowell Rackner & Gibson PC



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December 5, 2013

## VIA ELECTRONIC FILING AND FIRST CLASS MAIL

PUC Filing Center  
Public Utility Commission of Oregon  
PO Box 1088  
Salem, OR 97302-1088

Attn: ALJ Arlow

Re: Docket UG 266 – In the Matter of Northwest Natural Gas Company Investigation into Schedule H, Large Volume Non-Residential High Pressure Gas Service Rider.

Dear Judge Arlow:

I am writing to respond to Clean Energy's letter objecting to NW Natural's request for additional time to present Ms. Summers' live rebuttal testimony. NW Natural increased its estimate in order to allow the Company to present Ms. Summers' testimony in live Q and A format, as opposed to the narrative format the Company initially envisioned. Upon reflection we concluded that that a Q and A format might be preferable from the Commission's point of view, although it is a bit more time-consuming. We do not believe that Q and A format or the additional time requested will prejudice Clean Energy in any way. However, the Commission's rules do allow for testimony to be offered in narrative or Q and A format (OAR 860-001-0480(10)), and if your honor wishes the Company to adhere to its original estimate, we would be happy to have Ms. Summers deliver her live rebuttal in narrative format. In any event we will make every effort to present Ms. Summers' rebuttal as quickly and efficiently as possible.

I would also briefly respond to a couple of the specific points Ms. Kahl makes in her letter. Ms. Kahl mentions the fact that live rebuttal was not specifically allowed in your prior orders. However it is common practice for the Commission to hear live rebuttal from a party with the burden of proof in cases where the schedule does not allow sufficient time for written rebuttal. Moreover, at the time of the October 31<sup>st</sup> prehearing conference NW Natural raised with the parties the prospect that it would request an opportunity for live rebuttal. At that time, no party objected—nor was there an objection at yesterday's prehearing conference. In addition, NW Natural's decision to waive cross exam of Mr. Mitchell is not relevant to the length of time that should be allotted for live rebuttal. Cross examination is not intended as an opportunity for the

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witness to respond to other parties' testimony but rather an opportunity to respond to the cross-examiner's questions.

We thank you for your consideration in this matter.

Very truly yours,



Lisa Rackner

cc: Service List

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I served a true and correct copy of the foregoing document in  
3 Docket UG 266 on the following named person(s) on the date indicated below by email  
4 addressed to said person(s) at his or her last-known address(es) indicated below.

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DATED: December 5, 2013

  
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