

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 2214

In the Matter of

NORTHWEST NATURAL GAS  
COMPANY, dba NW Natural,

Updated Depreciation Study Pursuant to  
OAR 860-027-0350.

**MEMORANDUM ESTABLISHING  
PROCEDURAL SCHEDULE**

On December 17, 2021, Northwest Natural Gas Company dba NW Natural filed an updated depreciation study of its gas plant in service as of December 31, 2020. The company proposes to update its depreciation rates effective November 1, 2023. In a memorandum issued January 24, 2022, I requested that the parties confer regarding the need to establish a procedural schedule in the near term, and provide a proposed schedule as appropriate.

On February 11, 2022, Staff filed a proposed procedural schedule that would allow for a Commission decision in September 2022. Staff explains that NW Natural, the Oregon Citizens' Utility Board (CUB), and the Alliance of Western Energy Consumers (AWEC),<sup>1</sup> have conferred and agreed the effective date of the depreciation rates is an issue to be resolved in this case and/or in NW Natural's pending general rate case docketed as UG 435. Staff states that a schedule in this docket that enables a final decision regarding NW Natural's depreciation rates will allow the Commission the opportunity implement the depreciation rates effective November 1, 2023, consistent with NW Natural's request, or earlier, (e.g., November 1, 2022, the effective date of rates in the GRC).

The procedural schedule as proposed by the parties is adopted with minor modification to remove the deadline for petitions to intervene. Entities interested in participating as parties to this proceeding are encouraged to file a petition to intervene as soon as possible. All filing deadlines in the procedural schedule will be set at 3:00 p.m. in order to provide adequate processing time for the Filing Center.

<b><u>Event</u></b>	<b><u>Date</u></b>
Staff and Intervenor Settlement Proposals Issued	May 20, 2022

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<sup>1</sup> In its filing, Staff notes that AWEC has not yet petitioned to intervene in this case, but that Staff anticipates AWEC will seek and be granted party status. AWEC filed its petition to intervene on February 18, 2022.

Settlement Conference	May 25, 2022 <sup>2</sup>
All Party Testimony	June 17, 2022
Settlement Conference	June 23, 2022
All Party Reply Testimony	July 15, 2022
Hearing	July 26, 2022
Opening Briefs	August 16, 2022
Reply Briefs	August 23, 2022
Target Commission Order	September 23, 2022

Under OAR 860-001-0400, an answer to a petition to intervene must be filed within ten days after filing of the petition. In order to facilitate timely access to protected materials and expedite the discovery process in this proceeding, parties must indicate intent to file an answer to a petition to intervene within three business days after filing of the petition. The deadline for filing the answer itself remains unchanged. For AWEC's pending petition to intervene, filed February 18, 2022, parties must indicate intent to file an answer to AWEC's petition by 3:00 p.m., February 24, 2022.

Dated this 18<sup>th</sup> day of February, 2022, at Salem, Oregon.

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Alison Lackey  
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

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<sup>2</sup> Settlement conference dates are included in the schedule for the parties' convenience. The parties do not need Commission approval to reschedule settlement conferences.

## NOTICE OF CONTESTED CASE RIGHTS AND PROCEDURES

Oregon law requires state agencies to provide parties written notice of contested case rights and procedures. Under ORS 183.413, you are entitled to be informed of the following:

**Hearing:** The time and place of any hearing held in these proceedings will be noticed separately. The Commission will hold the hearing under its general authority set forth in ORS 756.040 and use procedures set forth in ORS 756.518 through 756.610 and OAR Chapter 860, Division 001. Copies of these statutes and rules may be accessed via the Commission's website at <https://www.oregon.gov/puc/Pages/default.aspx>. The Commission will hear issues as identified by the parties.

**Right to Attorney:** As a party to these proceedings, you may be represented by counsel. Should you desire counsel but cannot afford one, legal aid may be able to assist you; parties are ordinarily represented by counsel. The Commission Staff, if participating as a party in the case, will be represented by the Department of Justice. Generally, once a hearing has begun, you will not be allowed to postpone the hearing to obtain counsel.

**Notice to Active Duty Servicemembers:** Active Duty Servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-584-3571 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department does not have a toll free telephone number.

**Administrative Law Judge:** The Commission has delegated the authority to preside over hearings to Administrative Law Judges (ALJs). The scope of an ALJ's authority is defined in OAR 860-001-0090. The ALJs make evidentiary and other procedural rulings, analyze the contested issues, and present legal and policy recommendations to the Commission.

**Hearing Rights:** You have the right to respond to all issues identified and present evidence and witnesses on those issues. *See* OAR 860-001-0450 through OAR 860-001-0490. You may obtain discovery from other parties through depositions, subpoenas, and data requests. *See* ORS 756.538 and 756.543; OAR 860-001-0500 through 860-001-0540.

**Evidence:** Evidence is generally admissible if it is of a type relied upon by reasonable persons in the conduct of their serious affairs. *See* OAR 860-001-0450. Objections to the admissibility of evidence must be made at the time the evidence is offered. Objections are generally made on grounds that the evidence is unreliable, irrelevant, repetitious, or because its probative value is outweighed by the danger of unfair prejudice, confusion of the issues, or undue delay. The order of presenting evidence is determined by the ALJ. The burden of presenting evidence to support an allegation rests with the person raising the allegation. Generally, once a hearing is completed, the ALJ will not allow the introduction of additional evidence without good cause.

Notice of Contested Case Rights and Procedures continued

**Record:** The hearing will be recorded, either by a court reporter or by audio digital recording, to preserve the testimony and other evidence presented. Parties may contact the court reporter about ordering a transcript or request, if available, a copy of the audio recording from the Commission for a fee set forth in OAR 860-001-0060. The hearing record will be made part of the evidentiary record that serves as the basis for the Commission's decision and, if necessary, the record on any judicial appeal.

**Final Order and Appeal:** After the hearing, the ALJ will prepare a draft order resolving all issues and present it to the Commission. The draft order is not open to party comment. The Commission will make the final decision in the case and may adopt, modify, or reject the ALJ's recommendation. If you disagree with the Commission's decision, you may request reconsideration of the final order within 60 days from the date of service of the order. *See* ORS 756.561 and OAR 860-001-0720. You may also file a petition for review with the Court of Appeals within 60 days from the date of service of the order. *See* ORS 756.610.