

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

DR-23

In the Matter of the Petition of Northwest Natural Gas Company For a Declaratory Ruling Pursuant to ORS 756.450 Regarding Whether Joint Bypass by Two or More Industrial Customers Violates ORS 758.400 Et Seq.	)	WAH CHANG AND THE NORTHWEST INDUSTRIAL GAS USERS' STATEMENT OF LEGAL ISSUES
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Pursuant to the procedural schedule established in this proceeding, Wah Chang and the Northwest Industrial Gas Users ("NWIGU") submit the following statement of legal issues to be addressed in this proceeding.

1. If two or more privately-owned end use consumers own natural gas piping directly connected to an interstate natural gas pipeline in the allocated service territory of an Oregon gas local distribution company ("LDC"), are the owners violating Oregon Law pertaining to the allocation of territories and customers (ORS 758.400-758.475)?
2. Does the arrangement described Paragraph 1 constitute "utility service"?
3. Does the arrangement described in Northwest Natural Gas Company's ("NW Natural") assumed facts<sup>1</sup> constitute "utility service"?
4. Does the arrangement described in Paragraph 1 constitute a "connected and interrelated distribution system" under ORS 758.400?
5. Does the arrangement described in NW Natural's assumed facts<sup>2</sup> constitute a "connected and interrelated distribution system" under ORS 758.400?

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<sup>1</sup> See NW Natural Amended Petition for Declaratory Ruling, OPUC Docket No. DR-23, pp 4-5 (July 2, 1999).

<sup>2</sup> *Id.*

6. Is the territory allocation law intended to prevent the self-provision of natural gas via privately-owned pipes?
7. If the Commission reverses its earlier decisions, will this create a conflict between state and federal law?
8. If the Commission reverses its earlier decisions, will this be consistent with the purpose of the territory allocation law--to prevent the duplication of service?
9. Is the arrangement described in Paragraph 1 equivalent to a cooperative, partnership or other legal arrangement providing utility service?
10. Is the arrangement described in NW Natural's assumed facts<sup>3</sup> equivalent to a cooperative, partnership or other legal arrangement providing utility service?
11. Does the distribution of natural gas to a natural gas consumer cease at the point at which the gas is delivered to the measurement meter?
12. Does a determination of whether gas piping jointly owned by two or more entities constitutes a "connected and interrelated distribution system" depend on the facts surrounding the precise system? If so, can the OPUC opine on this legal issue based solely on assumed facts?
13. What constitutes the physical distribution of natural gas to more than one consumer?

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Wah Chang and NWIGU reserve the right to revise or propose new issues in response to the issues lists provided by other parties.

Dated this 5th day of July, 2005

Respectfully Submitted,



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Of Attorneys for Wah Chang and the  
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<sup>3</sup> *Id.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing **WAH CHANG AND THE NORTHWEST INDUSTRIAL GAS USERS' STATEMENT OF LEGAL ISSUES** upon the parties on the following current Service List in DR-23, via e-mail and U.S. Mail, postage prepaid.

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