

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UG 171

In the Matter of)	
)	JOINT MOTION OF NORTHWEST
)	INDUSTRIAL GAS USERS
In the Matter of AVISTA CORPORATION,)	(NWIGU), AND THE CITIZENS'
dba AVISTA UTILITIES Filing of tariffs)	UTILITY BOARD OF OREGON
establishing automatic adjustment clauses)	(CUB) TO VACATE THE CURRENT
under the terms of SB 408.)	HEARING DATE AND INSTITUTE
)	A NEW SCHEDULE
)	
)	

Pursuant to OAR 860-013-0031, the Citizens' Utility Board of Oregon ("CUB"), and the Northwest Industrial Gas Users ("NWIGU")(the filing parties) respectfully request that the hearing currently set for September 23, 2009 be vacated and a new schedule be adopted setting time for Simultaneous Opening Briefs due on or before November 6, 2009; Simultaneous Reply Briefs due on or before December 18, 2009; and, a prehearing conference sometime thereafter to determine what if any additional process is necessary - including but not limited to the possibility of additional testimony, briefing and hearings.

The filing parties make this request based on their understanding that the Commission will be requesting comprehensive briefing from the parties in the UG 171 docket on various threshold Constitutional issues which will impact not only UG 171, but also AR 537. It is the filing parties' position that there can be no further process in this docket until the Constitutional issues are resolved and a legal standard is established. Depending on the Commission's determinations, additional testimony, briefing and process may be required in UG 171. Once the threshold legal issues are resolved, the filing parties request that a prehearing conference be scheduled to determine whether any additional process – testimony, briefing and hearing – is needed.

The filing parties also makes this request as a direct result of the filings and schedule set in AR 537. The rule at issue in AR 537 is interrelated with this docket. The Commission has UG 171 JOINT MOTION OF NORTHWEST INDUSTRIAL GAS USERS (NWIGU) AND THE CITIZENS' UTILITY BOARD OF OREGON (CUB) TO VACATE THE CURRENT HEARING DATE AND INSTITUTE A NEW SCHEDULE

requested comments in the AR 537 docket on or before September 10, 2009 on the deletion of OAR 860-022-0041 (10). The filing parties believe that postponing further process in UG 171 until after a resolution of the issues in AR 537 is appropriate .

NOTIFICATION OF OTHER PARTIES OF MOTION FILING

The filing parties have contacted the other active parties in this docket:

Staff of the Public Utility Commission ("Staff") - (Jason Jones): Staff does not have a position at this time.

Industrial Customers of Northwest Utilities (ICNU) - (Irion Sanger): ICNU supports the motion and the proposed briefing dates.

David Meyer (AVISTA) – (David Meyer): CUB was unable to reach David Meyer prior to the hearing this morning but left a voicemail message advising as to the content of the motion and the proposed dates.

EXPEDITED CONSIDERATION REQUEST

Expedited consideration is requested because a prehearing conference is scheduled in this docket for Tuesday September 1, 2009. For the sake of judicial economy the filing parties request that the scheduling issues set forth above also be addressed at that conference.

The filing parties specifically request that the administrative law judge issue an order postponing the hearing set for September 23, 2009 and set a briefing schedule which anticipates the filing of Simultaneous Opening Briefs on or before November 6, 2009, and
////

////

///

//

/

UG 171 JOINT MOTION OF NORTHWEST INDUSTRIAL GAS USERS (Nwigu) AND THE CITIZENS' UTILITY BOARD OF OREGON (CUB) TO VACATE THE CURRENT HEARING DATE AND INSTITUTE A NEW SCHEDULE

the filing of Simultaneous Reply briefs on or before December 18, 2009, with another prehearing conference at a date to be determined thereafter.

Dated this 1st day of September, 2009.

Respectfully submitted,



G. Catriona McCracken, Attorney #933587
Staff Attorney
Citizens' Utility Board of Oregon
610 SW Broadway Ste 308
Portland, OR 97205
(503) 227-1984
catriona@oregoncub.org

Thomas Brooks
Cable Huston et al.
1001 SW 5th Ave. Ste 2000
Portland OR 97204
(503) 224-3092
tbrooks@cablehuston.com

UG 171 – CERTIFICATE OF SERVICE

I hereby certify that, on this 1st day of September 2009, I served the foregoing JOINT MOTION OF NORTHWEST INDUSTRIAL GAS USERS (NWIGU), AND THE CITIZENS' UTILITY BOARD OF OREGON (CUB) TO VACATE THE CURRENT HEARING DATE AND INSTITUTE A NEW SCHEDULE upon all parties of record in docket UG 171, as listed in the PUC Service List, by email and, where paper service is not waived, by U.S. mail, postage prepaid, and upon the Commission by email and by sending an original and 1 copy by U.S. mail, postage prepaid, to the Commission's Salem offices.

(W) Denotes waiver of paper service

(C) Denotes service of confidential material authorized

W **CABLE HUSTON**
C **BENEDICT HAAGENSEN**
 & LLOYD LLP
 Chad M. Stokes
 1001 SW 5th – STE 2000
 Portland OR 97204
 cstokes@cablehuston.com

C/HC **Daniel W. Meek**
 Attorney At Law
 10949 SW 4th Avenue
 Portland, OR 97219
 dan@meek.net

C/HC **Kafoury & McDougal**
 Linda K. Williams
 Attorney At Law
 10266 SW Lancaster Rd.
 Portland OR 97219-6305
 Linda@lindawilliams.net

C/HC **AVISTA UTILITIES**
 Ron McKenzie
 Mgr.–Reg. Accounting
 PO Box 3727
 Spokane WA 99220-3727
 Ron.mckenzie@avistacorp.com

UG 171 JOINT MOTION OF NORTHWEST INDUSTRIAL GAS USERS (NWIGU),
AND THE CITIZENS' UTILITY BOARD OF OREGON (CUB) TO VACATE THE
CURRENT HEARING DATE AND INSTITUTE A NEW SCHEDULE

C/HC Oregon DOJ
Jason W. Jones
Assistant Attorney General
1162 Court St. NE
Salem, OR 97301-4096
Jason.w.jones@state.or.us

C/HC AVISTA UTILITIES
David J. Meyer
Vice President and Chief
Counsel
PO Box 3727
Spokane WA 99220-3727
david.meyer@avistacorp.com

W NW Industrial Gas Users
C Paula E. Pyron, ED
4113 Wolf Berry Crt.
Lake Oswego
OR 97035-1827

W Energy Action Northwest
C Edward A Finklea
PO Box 8308
Portland OR 97207
efinklea@energyactionnw.org

Respectfully submitted,



G. Catriona McCracken
Staff Attorney
The Citizens' Utility Board of Oregon
610 SW Broadway, Ste. 308
Portland, OR 97205
(503)227-1984
Catriona@oregoncub.org