

1 **BEFORE THE PUBLIC UTILITY COMMISSION**
2 **OF OREGON**

3 DR 23

4 In the Matter of the Petition of Northwest
5 Natural Gas Company for Declaratory Rulings pursuant to ORS 756.450 Regarding Whether
6 Joint Bypass by Two or More Industrial Customers Violates ORS 758.400 Et Seq. | STAFF'S OPENING BRIEF
7

8 **INTRODUCTION**

9 On July 20, 2005, Administrative Law Judge (“ALJ”) Christina Smith issued a ruling
10 establishing the issues list in this proceeding. According to ALJ Smith’s ruling, the issue in this
11 remand proceeding is the entire definition of “utility service” as set forth in ORS 758.400(3).

12 As established in ALJ’s Smith’s ruling, the issue in this case is a purely legal question of
13 statutory interpretation. Consistent with the schedule established in ALJ Smith’s July 6, 2005,
14 memorandum, Staff takes this opportunity to state that it does not intend to actively participate in
15 the briefing in this proceeding because the only issue is a legal issue of statutory interpretation.
16 Staff, however, reserves its right to file a responsive brief if issues are raised in the other parties
17 opening briefs that involve matters within Staff’s expertise and knowledge.

18 For the foregoing reasons, Staff states its intentions not to participate, with the caveat
19 noted above, in the briefing of the legal issue presented in the remand proceeding.

20 DATED this 30th day of August 2005.

21 Respectfully submitted,

22 **HARDY MYERS**
23 Attorney General

24 /s/Jason W. Jones
25 Jason W. Jones, #00059
26 Assistant Attorney General
Of Attorneys for PUC Staff

1 **CERTIFICATE OF SERVICE**

2 I certify that on the 30th day of August 2005, I served the foregoing Staff’s Opening Brief
3 upon the parties, hereto by mailing, postage prepaid, a true, exact and full copy by regular mail
4 and by electronic mail to:

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