

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UG 490

In the Matter of

NORTHWEST NATURAL GAS
COMPANY, dba NW Natural,

Request for a General Rate Revision.

PREHEARING CONFERENCE
MEMORANDUM; REQUEST FOR
COMMENTS

On January 29, 2024, the Public Utility Commission of Oregon conducted a prehearing conference in this docket. Representatives appeared on behalf of the Staff of the Public Utility Commission of Oregon; Northwest Natural Gas Company, dba NW Natural; Oregon Citizens' Utility Board; the Alliance of Western Energy Consumers; and the Environmental Intervenors, comprised of the Coalition of Communities of Color, Climate Solutions, Verde, Columbia Riverkeeper, Oregon Environmental Council, Community Energy Project, and Sierra Club.

Intervenors

On January 26, 2024, the Environmental Intervenors filed a petition to intervene in this docket. At the prehearing conference, the other parties to these proceedings stated that they did not object to the petition of the Environmental Intervenors. I found that the Environmental Intervenors have sufficient interest in the proceeding and their participation will not unreasonably broaden the issues, burden the record, or delay the proceedings, and I granted the petition.

Schedule

The parties submitted a proposed procedural schedule prior to the prehearing conference. A number of the dates in the proposed schedule conflicted with other Commission proceedings and schedules, and the parties discussed and proposed a revised schedule at the prehearing conference. At the conference, NW Natural also proposed to add a deadline in the schedule for it to submit supplemental testimony. After reviewing the revised procedural schedule, I find that it is necessary to push back the target date for the Commission's order by one day to October 25, 2024, to account for the slightly later deadline for NW Natural to file its closing brief. Additionally, the date for the public comment hearing will be established at a later date. All other dates remain as proposed or discussed at the prehearing conference.

Accordingly, the proposed procedural schedule, as revised consistent with the discussions at the prehearing conference and as modified above, is adopted as set forth below:

| Event¹ | Date |
|---|---|
| Settlement Conference (Cost of Capital) ² | February 12, 2024 ³ |
| NW Natural Supplement Testimony | February 23, 2024 |
| Settlement Status Update | February 26, 2024 |
| Deadline for Staff and Intervenor Workshop Questions to NW Natural | February 27, 2024 |
| Intervenor Training Workshop | February 28, 2024 |
| NW Natural Workshop | March 5, 2024 (morning) |
| Deadline to File Budgets for Intervenor Funding | March 14, 2024 |
| Deadline for Petitions to Intervene ⁴ | March 29, 2024 |
| Public Comment Hearing | TBD |
| Staff and Intervenor Opening Testimony | April 18, 2024 |
| Settlement Conference | May 3, 2024 |
| Settlement Status Report | May 10, 2024 |
| NW Natural Reply Testimony ⁵ | June 4, 2024 |
| Settlement Conference | June 17, 2024 |
| Settlement Status Report | June 24, 2024 |
| Staff and Intervenor Rebuttal and Cross Answering Testimony | July 2, 2024 |
| Settlement Conference | July 11, 2024 |
| Settlement Status Report | July 16, 2024 |
| NW Natural Surrebuttal Testimony | July 22, 2024 |
| Settlement Conference | July 24, 2024 |
| Settlement Status Report | July 25, 2024 |
| Cross Exam Statements and Exhibits from All Parties, Joint Issues Matrix or Issues List | July 25, 2024 |
| Evidentiary Hearing | July 30, 2024 (morning); August 1, 2024 |
| Simultaneous Opening Briefs | August 15, 2024 |
| Staff and Intervenor Closing Briefs | August 26, 2024 |
| NW Natural Closing Brief | September 3, 2024 |
| Oral Arguments | September 12, 2024 |
| Commission Order Target Date | October 25, 2024 |
| Rate Effective Date | November 1, 2024 |

Parties are reminded that attorneys not licensed in Oregon wanting to appear before the

¹ As stated in the scheduling memorandum issued on January 8, 2024, the filing deadline for all dates in this procedural schedule is 3:00 p.m. on the date of the event. Filings submitted after 3:00 p.m. will be considered filed on the following business day.

² Staff Workshop/Settlement conference dates are included in the schedule for the parties' convenience. The parties do not need Commission approval to reschedule Staff workshops or settlement conferences.

³ The schedule proposed by the parties and modified at the conference included a settlement conference on February 19, 2024, which is a state holiday. On January 31, 2024, NW Natural filed a letter on behalf of the parties requesting that the schedule reflect a date of February 12, 2024, for the settlement conference.

⁴ The schedule includes a requested date for petitions to intervene, but by statute, a person may petition to intervene at any time before the close of the record. *See* ORS 756.525.

⁵ Response times for data requests will be shortened to five days after NW Natural files its reply testimony.

Commission in this docket must file an application for admission to appear pro hac vice.⁶

Hybrid or Remote Events

At the prehearing conference, the Environmental Intervenors raised the issue of whether events such as the evidentiary hearing and oral arguments will be entirely remote or have an in-person option. The Environmental Intervenors stated that they had a preference for these events to be held as remote only, while NW Natural stated that it would prefer to have a hybrid option with the option to appear in person.

The parties may file comments indicating whether they prefer that either or both the evidentiary hearing or oral arguments be held hybrid or fully remote. The parties are encouraged to explain the reasoning for their preference. Parties may file any comments by February 19, 2024.

Dated this 5th day of February, 2024, at Salem, Oregon.



Sarah Spruce
Administrative Law Judge

Attachment: Notice of Contested Case Rights and Procedures

⁶ See UTCR 3.170, OAR 860-001-0320.

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 www.puc.state.or.us. 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.