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BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

DR 30

In the Matter of)	
)	
NORTHWEST NATURAL GAS)	ORDER
COMPANY)	
)	
Petition for Declaratory Ruling Regarding)	
Statewide Rate Allocation of Costs.)	

DISPOSITION: DOCKET CLOSED

On February 19, 2002, NW Natural Gas Company (NW Natural) filed a petition for a declaratory ruling pursuant to ORS 756.450 asking the Public Utility Commission of Oregon (Commission) to approve NW Natural's rate proposal for a distribution system within Coos County. Specifically, NW Natural asked the Commission to determine that it has the authority under ORS 756.040 and ORS 757.125 to approve statewide rate treatment of capital costs incurred during the initial construction period of the distribution system, and to authorize NW Natural to collect excess pipeline capacity charges from Oregon customers.

On October 4, 2002, the Commission issued Order No. 02-678 in Docket UA 93, a companion territory allocation case. In that order, the Commission denied NW Natural's request to approve a contract between NW Natural and Coos County using the territory allocation statutes. As part of that order, the Commission gave NW Natural 30 days in which to determine whether it wished to proceed with this declaratory ruling docket.

Initially, NW Natural asked the Commission to continue with this docket and issue an order. On November 25, 2002, however, NW Natural asked to suspend the proceedings until January 15, 2003. This request was based upon the imminent filing of a general rate case that would include the Coos County issues.¹ Further, NW Natural indicated that some of the parties raised concerns about using a declaratory ruling process for deciding ratemaking issues.

Discussion

¹ NW Natural filed its rate case (UG 152) on November 29, 2002.

We agree with NW Natural that the declaratory ruling process should not proceed as the issues involved in this docket are now part of a general rate case filing. However, we disagree that the matter should be held in abeyance. We do not see a need for this docket to remain open when the underlying issues are being resolved in a different docket. Therefore, we hold that this docket should be closed.

ORDER

IT IS ORDERED that this docket is closed.

Made, entered, and effective _____.

Roy Hemmingway
Chairman

Lee Beyer
Commissioner

Joan H. Smith
Commissioner

A party may request rehearing or reconsideration of this order pursuant to ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order to a court pursuant to applicable law.