

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1236

In the Matter of the OREGON PUBLIC)	
UTILITY COMMISSION's STAFF)	
Request to open an investigation to)	FINAL ORDER
determine if NORTHWEST NATURAL)	
GAS COMPANY provided adequate)	
customer information.)	

DISPOSITION: INVESTIGATION CLOSED

Procedural History. At its regular Public Meeting held on December 6, 2005, pursuant to a recommendation of the Commission staff (Staff), the Commission opened an investigation to determine if Northwest Natural Gas Company (NWN) provided adequate information to its customers regarding the terms of service that applied to industrial customers who had recently elected to change from Transportation only to Sales service. Fifteen Oregon customers were directly impacted by the actions of NWN that had given rise to the investigation. Two customers filed formal complaints with the Commission against NWN. However, both cases were settled and joint motions were filed with the Commission to have the complaints dismissed prior to the first prehearing conference in this docket.¹

On February 1, 2006, NWN filed a Motion to Close Investigation, in which it stated that "because NWN has now settled with 14 of the 15 customers who are or who claim to be affected by this proceeding, the reasons for a generic proceeding no longer exist.... NWN has resolved the complaints of virtually every customer." (p. 2.) NWN further stated that it is seeking a declaratory judgment with respect to the rights of the only customer who has yet to settle, Georgia-Pacific. NWN asserted that Georgia-Pacific would be quite able to represent its own interests in a complaint proceeding before the Commission (*Id.*).

On February 2, 2006, The Northwest Industrial Gas Users (NWIGU) filed a Response to Northwest Natural Gas Company's Motion to Close Investigation, stating that "NWIGU does not object to the closure of the Staff investigation so long as Georgia Pacific is free to file its own complaint to address its specific issues. In addition, given that NW Natural has agreed to make a tariff filing on how it handles the timing of sales

¹ *Emerald Forest Products v. Northwest Natural Gas Company*, Docket UCB 29, Order No. 06-056, entered February 8, 2006; *Supreme Perlite Company v. Northwest Natural Gas Company*, Docket UCB 30, Order No. 06-051, entered February 6, 2006.

elections in the future, as is provided in the settlement agreements reached with its individual customers, NWIGU sees no reason for the Commission to continue the investigation it commenced in this docket.” (pp. 1-2.)

A prehearing conference in this docket was held at the Commission’s office in Salem, Oregon, on February 3, 2006. Counsel appeared at the conference on behalf of NWN, NWIGU and Staff. Counsel for all parties concurred in NWN’s Motion to Close Investigation, provided that specific mention would be made in any Order entered by the Commission terminating this docket that such action would be without prejudice to the rights of Georgia-Pacific to bring a formal complaint to the Commission relating to any of the facts or issues arising in the instant proceeding.

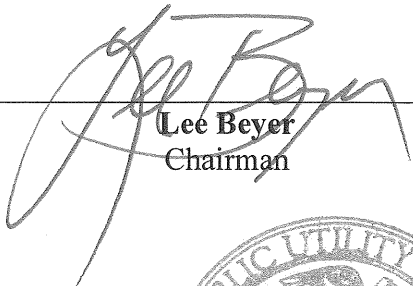
Discussion. The Commission opened this investigation as the most efficient means to explore allegations relating to the common circumstances of numerous NWN customers. In light of the settlements discussed above, the rationale for continuing the investigation, rather than leaving the exploration of the allegations to individual complaints, no longer exists. The investigation will therefore be closed.

We emphasize, however, that should any customer who has not reached a settlement with NWN, as is asserted here with respect to Georgia-Pacific, file a complaint with the Commission, that complaint will be fully considered on its merits. NWN will not be permitted to interpose, as an affirmative defense, that the complainant should have come forward and participated in the instant investigation or that the closing of the investigation constitutes a disposition on the merits.

ORDER

IT IS ORDERED that in the matter of the Oregon Public Utility Commission's Staff Request to open an investigation to determine if Northwest Natural Gas Company provided adequate customer information, the investigation is TERMINATED and this docket is CLOSED.

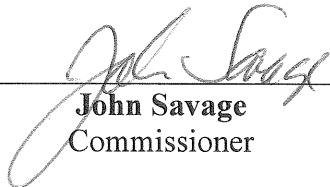
Made, entered, and effective FEB 27 2006.



Lee Beyer
Chairman



Ray Baum
Commissioner



John Savage
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 by filing a petition for review with the Court of Appeals in compliance with ORS 183.480-183.484.