

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UG 490

In the Matter of) COALITION’S RESPONSE TO NW
NORTHWEST NATURAL GAS COMPANY,) NATURALS’ MOTION TO STRIKE
dba NW NATURAL,)
Request for a General Rate Revision.)
_____)

INTRODUCTION

Pursuant to OAR 860-001-0420(4), Coalition of Communities of Color, Climate Solutions, Verde, Columbia Riverkeeper, Oregon Environmental Council, Community Energy Project, and Sierra Club (the “Coalition”) hereby respond to Northwest Natural Gas Company’s (“NW Natural”) Motion to Strike Portions of the Coalition’s and AWEC’s Briefs and Evidence Outside the Record filed on September 3, 2024. The Coalition does not object to NW Natural’s Motion to Strike.

BACKGROUND

NW Natural seeks the removal of 1) footnote 192 from the Coalition’s Opening Brief, including an article cited at the end of the footnote, 2) one sentence from the Coalition’s Closing Brief rearticulating footnote 192 from the Coalitions Opening Brief, and 3) footnote 124 from the Coalition’s Closing Brief citing to footnote 192.¹ NW Natural seeks to strike footnote 192

¹ NW Natural’s Mot. to Strike at App. A; *see* Coalition’s Opening Br. at 41–42, n.192; Coalition’s Closing Br. at 28.

and its accompanying article on the grounds that it was introduced after the last opportunity to produce new evidence concluded.²

The Coalition included the footnote to add context to its statement: “[NW Natural] argues that soliciting the public to take action to influence a public official—here, the utility’s own regulator, the Commission—is not lobbying.”³ The footnote stated that NW Natural continued such solicitations and, in doing so, misinformed the public about the efficacy of the State’s proposed carbon crediting program. In support of this statement, the Coalition cited Alex Baumhardt’s article at the *Oregon Capital Chronicle*,⁴ which noted that NW Natural, in the July edition of its “Comfort Zone” newsletter, called into question whether Community Climate Investments (CCIs) under Oregon’s Climate Protection Program would necessarily reduce emissions.⁵ The newsletter stated: “In its carbon accounting, DEQ will include CCIs as emissions savings even if a project has not reduced emissions.”⁶ A spokesperson for the Oregon Department of Environmental Quality, writing to Baumhardt in an email, described NW Natural’s statement as false. According to the spokesperson, each carbon offset credit generated by a CCI “would have to be commensurate with a metric ton of carbon dioxide that is not released into the atmosphere.”⁷

² NW Natural’s Mot. to Strike at 4.

³ Coalition’s Opening Br. at 41.

⁴ Alex Baumhardt, *Environmental Regulators Say NW Natural Misleading Customers about State Climate Credit Program*, Oregon Capital Chronicle, Aug. 13, 2024, <https://oregoncapitalchronicle.com/2024/08/13/environmental-regulators-say-nw-natural-misleading-customers-about-state-climate-credit-program/>.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

DISCUSSION

NW Natural argues that footnote 192 of the Coalition’s Opening Brief and the related statement in the Coalition’s Closing Brief should be stricken as unduly prejudicial. NW Natural points out in its motion that the article was published on August 13, 2024, but the last opportunity to present new evidence occurred on August 1, 2024.⁸ NW Natural argues it would be unfairly prejudiced if the Coalition’s references to the article are not stricken from the record because the Coalition cited the article outside the procedural schedule in this case and NW Natural would “not have any opportunity to provide testimony and offer contrary evidence on the record.”⁹

As an initial matter, the Coalition noted the article in a footnote for example purposes only. Additionally, the extent of the prejudice NW Natural may face from the untimely introduction of the article is counteracted by the fact that the basis of the article is NW Natural’s own publication. Nevertheless, in the interest of resolving this subsidiary dispute expeditiously so that all parties will understand the record before oral argument on September 12, 2024, the Coalition does not object to NW Natural’s Motion to Strike.

CONCLUSION

Based on the statements above, the Coalition agrees to strike the entirety of footnote 192 from its Opening Brief as well as the sentence “For example, during the pendency of this case, NW Natural solicited ratepayers to oppose the revised CPP rulemaking” and footnote 124 from its Closing Brief.

⁸ NW Natural’s Mot. to Strike at 4.

⁹ *Id.* at 5.

Dated this 9th day of September, 2024.

Respectfully submitted,

s/ Jaimini Parekh

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