

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON
UG 435 & UG 411

| | | |
|---------------------------------------|---|-------------------------------|
| IN THE MATTER OF: |) | |
| |) | |
| NORTHWEST NATURAL GAS |) | MOTION OF SMALL BUSINESS |
| COMPANY, dba NW NATURAL |) | UTILITY ADVOCATES FOR |
| |) | LEAVE TO FILE OUT OF |
| Request for General Rate Revision (UG |) | TIME; EXPEDITED CONSIDERATION |
| 435), and |) | REQUESTED |
| |) | |
| Advice 20-19, Schedule 198 Renewable |) | |
| Natural Gas Recovery Mechanism (ADV |) | |
| 1215) (UG 411) |) | |
| _____ |) | |

1. INTRODUCTION:

Pursuant to OAR 860-001-0420, Small Business Utility Advocates (“SBUA”) moves the Administrative Law Judge to allow SBUA to file a Reply to the Alliance of Western Energy Consumers (“AWEC”) and Oregon Citizen’s Utility Board of Oregon (“CUB”) Response to SBUA’s Petition for Case Certification (“Joint Response”). SBUA proposes to file this Reply by March 8, 2022.

2. BACKGROUND:

On January 19, 2022, SBUA filed a Petition to Intervene in the above-referenced docket, and this petition was granted on January 25, 2022. On February 1, 2022, pursuant to the Fourth Amended and Restated Intervenor Funding Agreement¹ SBUA filed a Petition for Case Certification in this docket, UG 435 & UG 411 Northwest Natural Gas Company Request for General

¹ Approved by Public Utility Commission of Oregon Order 18-017, and hereinafter (“IFA”).

Rate Revision.² On February 16, 2022, the Chief Administrative Law Judge (“ALJ”) filed a Bench Request to SBUA requesting various information be filed by February 25, 2022.³ The Joint Response was filed on February 16, 2022.⁴ On February 25, 2022 SBUA timely submitted its Response of SBUA to Bench Request including response to the ALJ request for information regarding membership, clarification of whether SBUA intends to utilize any funding to recover costs incurred for work already completed in all three proposed budgets, and information regarding SBUA’s expertise.⁵ SBUA seeks leave now to file a Reply to the Joint Response even though such Reply would be over seven days after February 16, 2022.⁶

3. ARGUMENT:

A. The ALJ should apply the rules to allow SBUA to file out of time.

The ALJ has the discretion to grant leave to SBUA to file the Reply out of time, that is, at a later time⁷, and the ALJ should allow a later filing in these circumstances. The Reply of SBUA necessarily would incorporate reference to information timely submitted by SBUA and recently posted to the service list of this docket.⁸ SBUA timely filed its Responses to Northwest Natural Gas Company’s data requests on February 28, 2022. Also, for context and with specific reference to this docket SBUA did initiate conference on January 3, 2022 with AWEC-CUB pursuant to the

² OAR 860-001-0420 and IFA 5.3.

³ The Bench Request was filed in three dockets: UM 2114, UG 435 & UG 411, and UE 394 dockets where SBUA had filed in 2022 petitions per the IFA pertaining to seeking intervenor funding.

⁴ SBUA sees the 2/21/22 date next to the signature in the Joint Response as a typographical error and acknowledges a filing date of 2/16/22.

⁵ UM 2114, UG 435 & UG 411, and UE 394 Response of SBUA to Bench Request.

⁶ Or February 21, 2022.

⁷ OAR 860-001-0090(1)(h) and(m).

⁸ Response of Small Business Utility Advocates to Bench Request, filed 2/25/22.

OAR 860-001-0420 regarding its SBUA's intention to seek intervenor funding to assist with costs of this general rate case. Given the context of this docket, it is fair and reasonable to allow SBUA time to file a Reply to the AWEC-CUB Response.

B. Expedited request:

SBUA certifies pursuant to OAR 860-001-0420 that it has conferred with parties via e-mail regarding seeking expedited consideration of this request.

C. OAR 860-001-0420(2) & (6) conferences:

i) Pursuant to OAR 860-001-0420(2), SBUA emailed this Motion on 3/4/22 to AWEC-CUB counsel to confer with regard to an extension, and AWEC-CUB X does not oppose ___ opposes.

ii) Pursuant to OAR 860-001-0420(6), SBUA has consulted with AWEC-CUB with regard to an expedited consideration and AWEC-CUB takes no position on response and reply dates.

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4. CONCLUSION:

For these reasons, the ALJ should grant SBUA leave to file a Reply by March 8, 2022.

RESPECTFULLY SUBMITTED March 7, 2022.



s/ Diane Henkels

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