

May 4<sup>th</sup>, 2021

***VIA ELECTRONIC FILING***

Public Utility Commission of Oregon  
Attention: Filing Center  
201 High Street SE, Suite 100  
Salem, Oregon 97308-1088

**RE: AR 641 – Division 001 Rule Updates—NW Natural’s Comments and Proposed Revision**

Northwest Natural Gas Company, dba NW Natural (NW Natural or Company), appreciates the opportunity to provide comments on the Public Utility Commission of Oregon’s (Commission) Division 001 Procedural Rules. The Company’s comments address the edits proposed by the Administrative Hearings Division of the Public Utility Commission of Oregon (“AHD”) to OAR 860-001-0500, 0540, 0170, 0080, and -022-0019. The Company also proposes a small change to OAR 860-001-0060.

**860-001-0500 – Discovery in Contested Case Proceedings, Proposed by AHD.**

NW Natural agrees that no changes to this section are necessary. The Company believes that all parties should be subject to the same discovery requirements, but understands that what may be unreasonably burdensome to one party may not be unduly burdensome to another. The determination of what is unreasonably burdensome should be made by the ALJ on a case-by-case basis.

**860-001-0540 – Data Requests Revisions Proposed by AHD**

NW Natural appreciates the proposed revision to the rules that would allow the Commission or the ALJ to revise the 14-calendar day response period permitted for data requests. However, the Company continues to believe that the standard response time should be 10-business days, which would account for holidays. NW Natural supports the other revisions proposed by AHD to this section, which recognize that data requests and responses to data requests are made through a common electronic workspace (currently Huddle).

Finally, NW Natural believes the rules should not be amended to require the public posting of all non-confidential data requests and responses. These data requests and responses are not part of the administrative record until they are moved into evidence.

The proposed revision would create the possibility that the Commission’s decision in a case could be based, at least in part, on data requests that no party has used in their testimony, briefs, or to cross-examine another party’s witness. More fundamentally, data requests are designed to assist a party in developing its position or making its case. Publicly posting data requests and responses does not assist in this effort and may, in fact, create a chilling effect where there is a greater reluctance to share certain information or to designate more information as confidential, both of which may lead to more discovery disputes.

**860-001-0070 – Confidential Information Revisions Proposed by AHD.**

NW Natural supports the changes to subsection (3), which continues to allow parties to provide confidential information electronically and physically.

**860-001-0170 – Filing Requirements in Contested Case and Declaratory Ruling Revisions Proposed by AHD.**

NW Natural has no additional comments and supports the AHD’s revisions.

**860-001-0080 – Protective Order Revisions Proposed by AHD.**

NW Natural appreciates that the redlines incorporate its changes to this section. The Company continues to believe that these revisions would limit the risk of inadvertent disclosure of both protected and highly confidential information.

NW Natural does not object to AWEC’s proposal that would allow a party to sign a protective order while their motion to intervene is pending, so long as: 1) the party providing the information has the right to object to both the motion to intervene and the signing of the protective order, and 2) the party is not required to provide confidential information while the ALJ is considering those objections.

**860-022-0019 -- General Rate Revisions Proposed by AHD.**

NW Natural supports incorporating Idaho Power’s revision to this section.

**860-001-0060 – Public Records Request Revision Proposed by NW Natural.**

OAR 860-001-0060(2)(b) includes a link to the Commission’s public records request platform. This link does not appear to work and should be updated.

NW Natural looks forward to continue working with the Commission and other stakeholders in updating the Division 001 Rules. If you have any questions, please do not hesitate to contact me.

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Sincerely,

*/s/ Ryan Sigurdson*

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