

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of	DOCKET UE-210795
PUGET SOUND ENERGY	ORDER 10
Clean Energy Implementation Plan Pursuant to WAC 480-100-640	APPROVING PAYMENTS

BACKGROUND

On June 6, 2023, the Washington Utilities and Transportation Commission (Commission) entered Final Order 08, resolving all disputed issues pertinent to the Final Clean Energy Implementation Plan (CEIP) filed by Puget Sound Energy (PSE or Company) in Docket UE-210795.

Earlier on March 23, 2023, The Energy Project (TEP) filed a Request for Payment of Fund Grant, requesting payment from the Customer Representation Sub-Fund in the amount of \$8,000.

On August 3, 2023, NW Energy Coalition (NWEC) filed a Request for Payment of Fund Grant, requesting payment from the Customer Representation Sub-Fund in the amount of \$12,000.

On August 3, 2023, Front and Centered (FAC) filed a Request for Payment of Fund Grant, requesting payment from the Customer Representation Sub-Fund in the amount of \$45,000.

Earlier on July 15, 2022, the Commission entered Order 06, Approving in Part, and Rejecting in Part, proposed budgets and fund grants from TEP, NWEC, and FAC (Order 06).

DISCUSSION

On February 9, 2023, the Commission entered Order 02, Approving Agreement Subject to Condition, Requiring Refiling of Modified Agreement (Order 02).¹ The Commission approved the Revised Agreement submitted by the parties, subject to the removal of paragraph 7.9, which authorized deferred accounting treatment.² The Commission also clarified that it was not bound by the timelines set forth in the Revised Agreement.³

As relevant here, the Revised Agreement carried forward the same requirements for requests for payments of fund grants.⁴ It also makes clear that “[e]ligible expenses” may include costs for eligible proceedings incurred prior to the approval of the Revised Agreement.⁵

Pursuant to the Revised Agreement, a Request for Payment must:

- (a) Itemize the expenses, payees, and hourly rates for amounts to be reimbursed, including billing details, and including separately identified amounts for consultant or expert witness fees and travel expenses;
- (b) Demonstrate that the expenses are reasonable and are directly attributable to issues and positions pursued on behalf of customers and consistent with the intervenor’s proposed budget;
- (c) Provide information sufficient to show that the Participating Organization has complied with any condition or requirement of the Fund Grant; and
- (d) Specify whether the request for payment is for interim funding, in the case of Prioritized Organizations only, or final payment in full, and indicate whether any approved budget amount may be released back to the applicable Sub-Fund

¹ *In the Matter of the Petition of Puget Sound Energy, et al.*, Docket U-210595 Order 02 (February 9, 2023).

² *Id.* ¶ 20.

³ *Id.* ¶ 21.

⁴ Revised Agreement § 7.1.

⁵ Revised Agreement § 7.3. *See also* Interim Agreement § 9.3 (providing that the Commission will require a participating utility to pay eligible expenses incurred under an approved fund grant that was awarded before the date of the termination of the Interim Agreement).

because the Participating Organization does not intend to request payment for the full approved budget amount.”⁶

The Commission may disallow, in whole or in part, a Request for Payment if it determines that the request seeks reimbursement for (a) expenses that are not Eligible Expenses,⁷ or (b) expenses that are inconsistent with the Participating Organization’s Consumer Access Fund Grant or any conditions placed on the Consumer Access Fund Grant.⁸ Upon authorization of payment, the Commission will make a determination on how to recover the Fund Grants from the various customer classes of the affected Participating Public Utility.⁹ Additionally, the Commission may determine whether Fund Grants that were used to advocate positions on behalf of a broad cross-section of customers should be assessed against all customers or multiple classes of customers, to fairly align the costs of the advocacy with the intended potential beneficiaries of the advocacy.

In this case, each of the case-certified parties filed Requests for Payment of Fund Grants. We address each of the Requests for Payment in turn.

TEP. On March 23, 2023, AWEC filed a Request for Payment of Fund Grant and Eligible Expenses Report for a payment of \$8,000 from the Customer Representation Sub-Fund.

After considering the requirements set forth in Sections 7.1, 7.3, and 7.7 of the Interim Agreement, we determine that TEP’s request for payment of \$8,000 should be approved. TEP investigated and participated in multiple issues in this proceeding, filing testimony, participating in settlement conferences, appearing at the evidentiary hearing, and submitting post-hearing briefing, among other tasks. TEP submitted a timely Request for Payment. It describes its attorney fees and expert witness fees in sufficient detail for the Commission to determine that they are reasonable, and it maintains that this time is directly attributable to participating in the case. TEP’s request represents only a portion of its costs for participating in this proceeding.

Because TEP focuses on issues affecting low-income customers, these costs should be assigned proportionally between electric and natural gas customers

⁶ Revised Agreement § 7.1.

⁷ Revised Agreement § 7.3.

⁸ Revised Agreement § 7.6.

⁹ Revised Agreement § 7.7.

based on total billed revenue, and it is appropriate to assess TEP's costs against the residential customer class.

NWEC. On August 3, 2023, NWEC filed a Request for Payment of Fund Grant and Eligible Expenses Report for a payment of \$12,000 from the Customer Representation Sub-Fund.

After considering the requirements set forth in Sections 7.1, 7.3, and 7.7 of the Interim Agreement, we determine that NWEC's request for payment of \$12,000 should be approved. NWEC investigated and participated in multiple issues in this proceeding, providing expert testimony on customer benefit indicators and numerous other issues. NWEC submitted a timely Request for Payment. It describes its request for apportioned wages for in-house staff time in sufficient detail for the Commission to determine that it is reasonable, and it maintains that this time is directly attributable to participating in the case. NWEC's request represents only a portion of its costs for participating in this proceeding and does not reflect the costs of the representation provided by EarthJustice.

NWEC addresses a number of issues on behalf of a broad cross-section of customers. These costs should be assigned proportionally between electric and natural gas customers based on total billed revenue and should be assessed against all customer classes on an equal percentage basis.

FAC. On August 3, 2023, FAC filed a Request for Payment of Fund Grant and Eligible Expenses Report for a payment of \$45,000 from the Customer Representation Sub-Fund.

After considering the requirements set forth in Sections 7.1, 7.3, and 7.7 of the Interim Agreement, we determine that FAC's request for payment of \$45,000 should be approved. FAC investigated and participated in multiple issues in this proceeding, including customer benefit indicators and the designation of vulnerable populations. FAC submitted a timely Request for Payment. It describes its expert witness fees and request for in-house staff time in sufficient detail for the Commission to determine that they are reasonable, and it maintains that this time is directly attributable to participating in the case. FAC's request represents only a portion of its costs for participating in this proceeding, and it does not

reflect the costs of representation provided by EarthJustice. Indeed, FAC only requests \$45,000 of the total \$55,000 approved by the Commission.¹⁰

Because FAC is broadly concerned with issues affecting historically under-represented communities, these participatory funding costs should be assigned proportionally between electric and natural gas customers based on total billed revenue and should be assessed and recovered from all customer classes.

We observe, however, that FAC has requested a fund grant from the Customer Representation Sub-Fund, instead of the Prioritized Organizations Sub-Fund. Because this specific reference is inconsistent with earlier filings, we instead construe Front and Centered as requesting reimbursement primarily from PSE's Prioritized Organizations Sub-Fund. Although a portion of FAC's payment may come from the Customer Representation Sub-Fund, the funds in the Prioritized Organizations Sub-Fund should be allocated first to FAC's Request for Payment.¹¹

PSE must pay the above Requests for Payment as directed within 30 days of the entry of this Order.¹²

ORDER

THE COMMISSION ORDERS That:

- (1) The Energy Projects' Request for Payment from the Customer Representation Sub-Fund in the amount of \$8,000 is APPROVED.
- (2) NW Energy Coalition's Request for Payment from the Customer Representation Sub-Fund in the amount of \$12,000 is APPROVED.
- (3) Front and Centered's Request for Payment from the Prioritized Organizations Sub-Fund in the amount of \$45,000 is APPROVED.

Dated at Lacey, Washington, and effective September 18, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

¹⁰ See Order 06 ¶¶ 26, 32.

¹¹ Order 06 ¶¶ 21-27.

¹² Revised Agreement § 7.8.

DAVID W. DANNER, Chair

ANN E. RENDAHL, Commissioner