

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY,

Respondent.

DOCKETS UE-220066 and
UG-220067 (*Consolidated*)

THE ENERGY PROJECT
PROPOSED BUDGET

1 Pursuant to RCW 80.28.430, the Washington Interim Participatory Funding Agreement (Funding Agreement) approved by the Washington Utilities and Transportation Commission (Commission),¹ and Order 08 in this docket, The Energy Project (TEP) hereby submits its Proposed Budget for this matter, pursuant to Section 6.3 of the Funding Agreement.

Statement of Work for Which Funding is Sought

2 The Energy Project intends to request a Fund Grant to partially offset the expense of expert consulting services to address: (1) performance-based ratemaking issues, including performance measures, (2) time varying rates issues, as well as other issues affecting low-income and vulnerable customers. In all areas, the emphasis will be on the low-income and vulnerable customer impacts of Puget Sound Energy's (PSE's) proposals in this docket.

3 The Energy Project also intends to request a Fund Grant to partially offset the expense of retaining counsel to represent TEP on all matters related to its participation in this docket (see "General Areas To Be Investigated.").

¹ Docket U-210595, Order 01 (February 24, 2022).

General Areas To Be Investigated

4 Based on its review of PSE’s rate filing to date, TEP is investigating or may investigate all matters which have an impact on PSE’s low-income and vulnerable customers, including but not limited to the following: the multiyear rate plan, low-income assistance program funding and design, low-income weatherization, billing, credit and collection issues, arrearage management, COVID-19 impacts and costs, performance based regulation and performance measures, time varying rates, cost of service, rate spread, rate design, decoupling, automated meters, renewables, EVs, and distributed generation, information technology programs, CEIP issues, and reporting requirements,

5 The Energy Project is still reviewing the PSE multiyear rate filing and conducting discovery and reserves the right to investigate and address additional issues not stated here as the case progresses.

Specific Fund/Available Funds

6 As stated in its Request for Case Certification and Notice of Intent to Request Fund Grant, TEP intends to request a Fund Grant from the Customer Representation Sub-Fund of the Customer Access Fund for Puget Sound Energy (PSE).²

7 At this time, TEP does not have information upon which to base an estimate of the amount of available funds in the account. Section 4.2 of the Funding Agreement provides for a Customer Representation Fund of \$200,000 for all parties for all PSE proceedings in 2022.

² See Funding Agreement § 4.2.

Budget

8 As reflected in Exhibit A attached hereto, TEP submits the following estimated budget for its requested Fund Grants in this matter:

Estimated Expert Consultant/Expert Witness(es) Fees: \$25,000

Estimated Attorney Fees: \$25,000

9 These amounts represent partial reimbursement of expense. The Energy Project projects that its total expert witness and attorney fees for this case will significantly exceed the amounts stated.

Additional Information Requested By Commission

10 Order 08 requested that in submitting a proposed budget TEP should detail and explain how overlapping interests between TEP and other intervenors, such as NW Energy Coalition (NWECC), differ and how each intervenor’s specific perspectives on these topics are not adequately represented by the other intervenor. Order 08 also requests TEP to explain how, where interests overlap, the public interest will benefit from the participation of both intervenors.³

11 The Commission has determined that both the NW Energy Coalition and TEP have a substantial interest in this proceeding and that their participation will be in the public interest.⁴ The focus of this filing will be to respond to the request in Order 08 by explaining the different interests of the two organizations and the limited overlap between the two.

³ In this filing, The Energy Project addresses only the limited overlap with the NW Energy Coalition. The Energy Project is not aware of any overlapping interest with the other intervenors requesting Fund Grants from the Customer Representation Sub-Fund.

⁴ Order 03, ¶ 6.

12 Both TEP and NWECA have a long history of successful intervention in Commission proceedings as separate representatives of their own differing constituencies' interests. The Energy Project has been granted intervention in many dockets in which NWECA has also appeared.⁵ To TEP's knowledge, the Commission has not in any case imposed a condition on TEP's intervention, pursuant to RCW 34.04.443(2)(c), that would have required TEP to combine its presentations of evidence and argument, cross-examination, discovery, or other participation in the proceedings with NWECA or any other intervening party, out of a concern that TEP's participation was duplicative of another party's role.

13 With respect to this case in particular, pursuant to Sec. 6.6 of the Funding Agreement, TEP and NWECA have conferred regarding their respective interests in the case. Because of the differing interests described in this filing, TEP has not entered into any agreement with NWECA to combine efforts and resources in this case.

14 For over twenty years, TEP has represented the interests of low-income customers and vulnerable populations in proceedings before the Commission, including general rate cases filed by PSE. The Energy Project works directly with Community Action Partnership agencies, tribes, and other service providers that deliver bill assistance, energy efficiency services, and other anti-poverty programs to ensure that PSE's low-income customers are able to easily and efficiently access PSE's low-income programs. In general rate proceedings, TEP typically performs an evaluation of unmet need; the low-income weatherization program and rate assistance program structure, delivery mechanisms, and available budget; rate design; disconnection policies; the

⁵ The Energy Project, pursuant to Commission rules and orders, has adhered to the requirement to coordinate where appropriate with other parties to avoid burdening the record with duplicative filings and

impact of special contracts on low-income program funding; the impact of novel policies on customer rates; renewable energy investments and policies; and many other matters that impact low-income and vulnerable populations.

15 NW Energy Coalition’s differing emphasis is reflected in its Petition to Intervene, which cites, in addition to rate concerns, identifies issues related to infrastructure investments, climate and clean energy policies, PSE’s interest in the Colstrip coal-fired power plant in Montana, and general issues regarding customer-side resources, energy efficiency, and distribution system investment. NW Energy Coalition’s interest in affordability covers moderate income, as well as low-income customers.⁶ NW Energy Coalition is a diverse coalition comprised of 107 organizations, utilities, municipalities, non-profits, and numerous individual members.⁷ The Energy Project is a member, but takes no part in decision-making about NWECE’s positions in Commission proceedings.

16 Neither NWECE nor TEP can adequately represent the interests of the other. While TEP has a broad interest in every issue that impacts low-income and vulnerable customers, as described above, the NWECE’s interest in low-income customers is narrower: ensuring that the transformation to clean energy treats low-income customers equitably. While NWECE at times may address an aspect of a low-income issue, it does not have the same focus on, expertise about, or specific interest in low-income customers as TEP. NW Energy Coalition does not hold itself out as a principal advocate for low-income customers.

presentations.

⁶ NW Energy Coalition Petition to Intervene, ¶ 5.

⁷ NW Energy Coalition, NWECE Members, <https://nwenergy.org/nwec-members/> (accessed March 17, 2022).

17 On the other hand, while NWECC has a broad interest in all aspects of the transformation to a clean energy future, TEP has a targeted specific interest in ensuring such a transformation is equitable and affordable for low-income and vulnerable customers. While the NWECC focuses on and has expertise in a wide variety of clean energy topics, TEP, is more specifically concerned about the availability of clean energy solutions to low-income customers and impact of the transformation on low-income customers' rates. The Energy Project does not hold itself out as a principal advocate for the clean energy transformation. Indeed, the rate impacts associated with the transformation to a clean energy future have at times resulted in TEP and NWECC taking different positions in both confidential settlement negotiations and in filings visible to the Commission. For example, TEP and NWECC have taken different positions regarding decoupling and time-of-use rates, both of which are issues in this case.⁸

18 Because of these differences, TEP and NWECC could take different positions in this case, and neither party can adequately represent the other's interests. Each organization is responsible to a different constituency and disagreement concerning the issues presented in this case is entirely possible.

19 The public interest will benefit from the participation of TEP and the NWECC because of their different foci, perspectives, and constituencies. The organizations take this into account when evaluating if a rate filing meets the public interest requirement. There are many facets to the public interest. RCW 80.28.425(1) provides that when "determining the public interest, the commission may consider . . . environmental health and greenhouse gas emissions reductions,

⁸ See, e.g., Docket UG-060518, *In the Matter of the Petition of PSE Corporation, D/B/A PSE Utilities, for an Order Authorizing Implementation of a Natural Gas Decoupling Mechanism and to Record Accounting Entries*

health and safety concerns, economic development, and equity, to the extent such factors affect the rates, services, and practices of a gas or electrical company regulated by the commission.”

As described above, each organization can address different aspects of the public interest and thereby provide the Commission with a broader set of voices and wider input to the record to aid the Commission’s decision making.

20 Finally, in this context, the distinct nature of TEP’s long history as a low-income advocate before the Commission was recognized in the Commission’s Policy Statement on participatory funding. The Commission observed that:

When it mandated participatory funding, the Legislature recognized the value of diverse voices in Commission regulatory proceedings and the ways in which access to monetary resources can help or hamper equitable representation of those voices. The statute identifies organizations representing low-income . . . customers . . . such as . . . The Energy Project, that we refer to in this statement as “incumbent” organizations . . . The statute provides that incumbent organizations are eligible to receive financial assistance as they continue to appear before the Commission . . .⁹

21 The participation of parties with diverse foci, perspectives, and constituencies will help the Commission make a more informed decision about a rate filing’s compliance with the new multifaceted definition of public interest found in RCW 80.28.425.

22 Respectfully submitted,

23 Dated this 21ST day of April, 2022.

Simon J. ffitch
Attorney at Law

/s/ Simon J. ffitch, WSBA No. 25977
For The Energy Project

Associated With the Mechanism, Order 04, Final Order Approving Decoupling Pilot Program (February 1, 2007).

⁹ Docket U-210595, *In the Matter of the Commission’s Examination of Participatory Funding Provisions for Regulatory Proceedings, Policy Statement on Participatory Funding for Regulatory Proceedings*, ¶ 18 (Nov. 19, 2021).