

APPENDIX B

Oregon Statute and Rules For Intervenor Funding

Utility Regulation Generally

ORS 757.072

Agreements for financial assistance to organizations representing customer interests

- (1) A public utility providing electricity or natural gas may enter into a written agreement with an organization that represents broad customer interests in regulatory proceedings conducted by the Public Utility Commission relating to public utilities that provide electricity or natural gas. The agreement shall govern the manner in which financial assistance may be provided to the organization. The agreement may provide for financial assistance to other organizations found by the commission to be qualified under subsection (2) of this section. More than one public utility or organization may join in a single agreement. Any agreement entered into under this section must be approved by the commission before any financial assistance is provided under the agreement.
- (2) Financial assistance under an agreement entered into under this section may be provided only to organizations that represent broad customer interests in regulatory proceedings before the commission relating to public utilities that provide electricity or natural gas. The commission by rule shall establish such qualifications as the commission deems appropriate for determining which organizations are eligible for financial assistance under an agreement entered into under this section.
- (3) In administering an agreement entered into under this section, the commission by rule or order may determine:
 - (a) The amount of financial assistance that may be provided to any organization;
 - (b) The manner in which the financial assistance will be distributed;
 - (c) The manner in which the financial assistance will be recovered in the rates of the public utility under subsection (4) of this section; and
 - (d) Other matters necessary to administer the agreement.
- (4) The commission shall allow a public utility that provides financial assistance under this section to recover the amounts so provided in rates. The commission shall allow a public utility to defer inclusion of those amounts in rates as provided in ORS 757.259 (Amounts includable in rate schedule) if the public utility so elects. An agreement under this section may not provide for payment of any amounts to the commission. [2003 c.234 §2]

Source: <https://www.oregon.gov/puc/about-us/Documents/LawBook.pdf>; *Laws Relating to the PUC*, pgs. 277-278; Title 57, pages 9-10, (2019 Edition).

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Public Utility Commission

Chapter 860

Division 1

GENERAL

860-001-0120

Grant Eligibility (Precertification and Case Certification)

(1) Under ORS 757.072, a utility providing electricity or natural gas may enter into a written agreement to provide financial assistance to an organization that represents broad customer interests in Commission proceedings.

(2) Upon Commission approval of an agreement, the Commission will apply the qualifications in this rule to determine whether an organization is eligible for a grant of financial assistance. Only parties that are precertified or parties that become case certified for particular proceedings are eligible to receive grants under an agreement. The terms of an agreement are binding on all organizations seeking a grant under that agreement and will be followed by the Commission in administering the agreement. Once precertified, an organization remains precertified unless the Commission decertifies the organization under OAR 860-001-0130.

(3) An agreement may allow organizations to seek precertification as eligible to receive grants. The Commission will precertify only organizations meeting the following criteria:

(a) The Citizens' Utility Board of Oregon (CUB), as a representative of residential customers; or

(b) Nonprofit organizations that meet the following criteria:

(A) A primary purpose of the organization is to represent utility customers' interests on an ongoing basis;

(B) The organization represents the interests of a broad class of customers and those interests are primarily directed at public utility rates or terms and conditions of service affecting those customers, and not narrow interests or issues that are ancillary to the representation of those customers as consumers of utility services;

(C) The organization demonstrates that it is able to effectively represent the particular class of customers it seeks to represent;

(D) The organization's members are customers of one or more of the utilities that are parties to the applicable agreement and contribute a significant portion of the overall support and funding of the organization's activities in the state; and

(E) The organization has demonstrated in past Commission proceedings the ability to substantively contribute to the record on behalf of customer interests.

(4) An agreement may allow organizations to seek certification on a case-by-case basis as eligible to receive a grant. The Commission will case certify only those organizations meeting the following criteria:

(a) The organization is a nonprofit organization, demonstrates that it is in the process of becoming a nonprofit organization, or is comprised of multiple customers of one or more of the utilities that are parties to the agreement and demonstrates that a primary purpose of the organization is to represent broad utility customer interests;

(b) The organization represents the interests of a broad class of customers and its participation in the proceedings will be primarily directed at public utility rates or terms and conditions of service affecting those customers, and not narrow interests or issues that are ancillary to the effect of the rates and terms and conditions of service on those customers;

(c) The organization demonstrates that it is able to effectively represent the particular class of customers it seeks to represent;

(d) Those members of the organization who are customers of one or more of the utilities that are affected by the proceedings and are parties to the agreement contribute a significant percentage of the overall support and funding of the organization;

(e) The organization demonstrates or has demonstrated in past Commission proceedings the ability to substantively contribute to the record on behalf of customer interests related to rates and the terms and conditions of service, including in proceedings in which the organization was case certified and received a grant;

(f) The organization demonstrates that:

(A) No precertified intervenor participating in the proceedings adequately represents the specific interests of the class of customers represented by the organization; or

(B) The specific interests of a class of customers will benefit from the organization's participation; and

(g) The organization demonstrates that its request for case certification will not unduly delay the proceedings.

Statutory/Other Authority: ORS 756.040, 756.060 & 757.072

Statutes/Other Implemented: ORS 756.040, 756.055 & 757.072

History:

PUC 5-2010, f. & cert. ef. 10-22-10

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