

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,**

Complainant,

v.

PUGET SOUND ENERGY,

Respondent.

**DOCKET UE-220066
DOCKET UG-220067**

**PUGET SOUND ENERGY'S MOTION
FOR LEAVE TO RESPOND TO
CENSE'S PROPOSED BUDGET IN
SUPPORT OF FUND GRANT**

1. Pursuant to WAC 480-07-375, Puget Sound Energy ("PSE") hereby requests that the Commission grant it leave to file a response to the Coalition of Eastside Neighbors for Sensible Energy's ("CENSE") request for \$81,000 from funds established in a participatory funding agreement between PSE, four investor-owned utilities, and six other parties (the "Funding Agreement"). While the CENSE request for funding could be interpreted as a petition pursuant to WAC 480-07-370, thereby obviating the need for this motion pursuant to WAC 480-07-370(4), it is unclear whether the CENSE request is such a pleading and whether PSE is permitted to respond without leave. Accordingly, PSE is filing this motion out of an abundance of caution. PSE submits its proposed response with this motion.

BACKGROUND

2. The Funding Agreement was entered into pursuant to RCW 80.28.430, which allows a utility to provide financial assistance to certain organizations representing broad customer

interests, like “organizations representing low-income, commercial, and industrial customers, vulnerable populations, or highly impacted communities.”¹

3. The Commission approved the Funding Agreement with minor modifications in Order 01 of Docket U-210595.² The Funding Agreement as approved by the Commission outlined a process for the distribution of up to \$300,000 from PSE to organizations representing “broad customer interests” in all eligible PSE regulatory proceedings before the Commission in calendar year 2022.³ Pursuant to the Funding Agreement, \$200,000 of the total \$300,000 of PSE funding is included in the Customer Representation Sub-Fund, the fund from which CENSE is seeking funding.

4. The Funding Agreement requires parties interested in obtaining funding to support their participation in a proceeding before the Commission to submit a “Request for Case Certification and Notice of Intent to Request a Fund Grant” (“Request for Case Certification”).⁴ On March 14, 2022, CENSE filed its Request for Case Certification. On March 24, 2022, the Commission granted the CENSE Request for Case Certification as well as the Requests for Case Certification submitted by five other parties.⁵

5. The Funding Agreement also requires parties interested in obtaining funding to support their participation in a Commission proceeding by submitting a proposed budget.⁶ On April 25, 2022, CENSE filed its Proposed Budget in Support of Fund Grant (“Proposed Budget”) seeking

¹ RCW 80.28.430 (1).

² *In the Matter of the Commission’s Examination of Participant Funding Provisions for Regulatory Proceedings*, Docket U-210595, Order 01 (Feb. 24, 2022)(the Funding Agreement is Attachment A to Order 01).

³ Funding Agreement at pp. 7-8.

⁴ *Id.* at pp. 6-8.

⁵ *WUTC v. Puget Sound Energy*, Dockets UE-220066 and UG-220067, Order 08 (March 24, 2022).

⁶ Funding Agreement at pp. 8-9.

\$81,000 of the \$200,000 Customer Representation Sub-Fund established in the Funding Agreement. In its Proposed Budget, CENSE states that it was organized and exists to “address the Energize Eastside project” and that it is asking for approval of funds to allow it to “participate in this proceeding with regard to the Energize Eastside proposal.”⁷ In Order 08 of Dockets UE-220066 and UG-220067, the Commission made it clear that “case-certification does not guarantee” a case-certified party will receive grant funds under the Funding Agreement.⁸

6. PSE requests leave from the Commission to file a response and address the request that CENSE be granted \$81,000 from the Customer Representation Sub-Fund established in the Funding Agreement as contemplated under RCW 80.28.430.

ARGUMENT

7. WAC 480-07-370 authorizes the Commission to “allow other pleadings upon written motion[.]”⁹ The Commission should allow a response to the Budget Request submitted by CENSE because PSE has a unique and vested interest in whether CENSE is granted \$81,000 from funds established in the Funding Agreement. Should CENSE’s Budget Request be granted, CENSE would receive over forty percent of the \$200,000 of funds available in the Customer Representation Sub-Fund to address just one issue in one eligible PSE regulatory proceeding in 2022, PSE’s multi-year rate proposal.
8. Allowing a response to the Budget Request offers PSE an opportunity to provide important context and input regarding CENSE’s Budget Request. The Commission must make a determination regarding the fund grants that will be made available for participants in PSE’s

⁷ Proposed Budget at 2.

⁸ *WUTC v. Puget Sound Energy*, Dockets UE-220066 and UG-220067, Order 08 ¶¶ 14, 48.

⁹ WAC 480-07-370.

multi-year rate case and whether CENSE is eligible for any of those funds.¹⁰ Briefing on this matter will assist the Commission in making this determination.

9. PSE has an important interest in ensuring the disbursement and qualification of funds. First, the money comes from PSE and its ratepayers.¹¹ Second, PSE is required by statute to distribute grant funds and the statute used particular language to narrowly tailor which types of groups are eligible for monetary support via a funding agreement.¹² PSE has a substantial interest in ensuring these funds fulfill the statutory purpose. Furthermore, the universe of available funds is a finite number,¹³ and it is up to the Commission to determine a reasonable allocation of those available funds.¹⁴
10. Finally, authorizing a response will not delay the proceedings. Several other parties have submitted budgets and requests for funding in this proceeding, and the Commission must consider each of these requests. The information and insight provided by PSE in its response will assist, not hinder, the Commission in considering the CENSE Budget Request.

RESPECTFULLY SUBMITTED this 29th day of April, 2022.

¹⁰ RCW 80.28.430(2)(a); see also, Funding Agreement at pp. 9-10.

¹¹ RCW 80.28.430 (1).

¹² *Id.* (Noting “organizations representing low-income, commercial, and industrial customers, vulnerable populations, or highly impacted communities” as examples of those representing broad customer interests).

¹³ Funding Agreement at p. 4.

¹⁴ RCW 80.28.430 (1).

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