

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,	DOCKET UE-250311
Complainant,	ORDER 01
v.	
PACIFICORP d/b/a PACIFIC POWER AND LIGHT CO.,	REQUIRING PACIFICORP TO AMEND AND REFILE TARIFFS; ISSUE CUSTOMER NOTICE
Respondent.	

**BACKGROUND**

- 1 In 2019, the legislature passed the Clean Energy Transformation Act (CETA), as codified in Chapter 19.405 of the Revised Code of Washington (RCW), established a definition of “low- income,”<sup>1</sup> and expanded the meaning of “public interest” under Title 80 RCW. In enacting CETA, the legislature found that the public interest includes: (a) the “equitable distribution of energy benefits and reduction of burdens to vulnerable populations and highly impacted communities;” (b) “long-term and short-term public health, economic, and environmental benefits;” and (c) “the reduction of costs and risks; and energy security and resiliency.”<sup>2</sup> To achieve these policies, CETA requires that there is not an increase in environmental health impacts to highly impacted communities.<sup>3</sup>
- 2 In 2021, the legislature enacted Engrossed Substitute Senate Bill 5295 (SB 5295), as codified in RCW 80.28.068, to update the Washington Utilities and Transportation Commission’s (Commission) regulation of electric and natural gas utilities’ rates.<sup>4</sup> Among other things, the law provides that “[e]ach gas or electrical company . . . propose

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<sup>1</sup> The Clean Energy Transformation Act (CETA) as codified in RCW 19.405.020(24) defines “low-income” and adopts the definition of “household incomes” as defined by the Department of Commerce (Commerce) and the Commission, “as household incomes [that]...may not exceed the higher of 80 percent of area median household income or 200 percent of the federal poverty level, adjusted for household size.”

<sup>2</sup> RCW 19.405.010(6).

<sup>3</sup> *Id.*

<sup>4</sup> See Engrossed Substitute Senate Bill 5295, [Chapter 188, Laws of 2021](#) (July 25, 2021)

a low-income assistance program comprised of a discount rate for low-income senior customers and low-income customers as well as grants and other low-income assistance programs.”<sup>5</sup> It further provides that the “[C]ommission shall approve, disapprove, or approve with modifications, each gas or electrical company’s low-income assistance discount rate and grant program.”<sup>6</sup>

- 3 On April 30, 2025, PacifiCorp d/b/a Pacific Power and Light Company (PacifiCorp or Company) filed with the Commission proposed revisions to its currently effective electric Tariff, WN U-76, Schedule 17, for the sixth revision to Sheet Nos. 17.1 and 17.2 of its Low-Income Bill Assistance Program (LIBA). The purpose of PacifiCorp’s filing is to implement changes to its LIBA program, with an effective date of October 1, 2025.
- 4 Prior to submitting this filing, as part of a partial multi-party settlement in Docket UE-230172, PacifiCorp agreed to work with its Low-Income Advisory Group (LIAG) and Equity Advisory Group (EAG) to develop a distributional equity analysis (DEA), a language access plan (LAP), and “enhancements to its LIBA program.”<sup>7</sup> After engaging with its LIAG, EAG, and the other interested parties in this matter and reaching a consensus, PacifiCorp agreed to file proposed tariff revisions to its LIBA program no later than April 30, 2025, and to discuss and seek consensus on the following program elements:
- a. Number of discount tiers.
  - b. Use of self-declaration of income with eligibility verification for a randomly selected group.
  - c. Low-income arrearage management plan.
  - d. Community-based organization outreach program.
  - e. Changing the billing logic so that federal assistance is applied before bill discounts.

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<sup>5</sup> RCW 80.28.068 (1).

<sup>6</sup> *Id.*

<sup>7</sup> *Washington Utilities and Transportation Commission (W.U.T.C) v. PacificCorp d/b/a Pacific Power and Light Company (PacifiCorp)*, Dockets UE-230172 and UE-210852 (*Consolidated*), Order 08/06, Rejecting Tariff Sheets; Approving Settlement with Conditions; Authorizing and Requiring Compliance Filing at 12 ¶ 10, and Attachment A, Settlement Stipulation at 8 ¶ 19 (March 19, 2024).

- 5 Between August 2024 and October 2024 and January 2025 to April 2025, PacifiCorp held regular meetings with its LIBA, Commission Staff (Staff), the intervenors, and all other interested parties to design and implement its bill discount program.<sup>8</sup>
- 6 In reviewing PacifiCorp’s tariff proposing changes to its LIBA program, Staff reviewed the filing and recommends the Commission issue an order requiring the following:

1) Modify language in Tariff WN U-76, Sixth Revision of Sheet No. 17.1:

i. **BILL DISCOUNT**

Replace “Customers may self-attest to the household size and income for Tier 6. Tiers 1 through 5 require certification through a non-profit agency. The bill discount is applied to a participating Customer’s monthly net bill.” with “Customers may self-attest to the household size and income for all tiers. Tiers 1 through 5 may require post-enrollment verification, which can include certification through a non-profit agency. The bill discount is applied to a participating Customer’s monthly net bill.”

ii. Add a new header: **“ELIGIBILITY”**

Under the new header **ELIGIBILITY**, add the following language: “To receive the discount under this schedule, a Customer must declare their eligibility during the enrollment process. The Company will partner with non-profit agencies (Agencies) that meet the criteria for a “Qualifying Organization” as defined in RCW 82.16.0497 to determine eligibility. A participating customer who is determined to meet the eligibility requirements may need to redeclare their qualifications every year. Each year, the Company will select at random a sampling of Customers and will request that Customers provide Agencies information to verify Customer eligibility.”

2) Modify language in Tariff WN U-76, Second Revision of Sheet No. 17.2:

i. **SPECIAL CONDITIONS:**

Replace “3. Non-profit agencies will certify eligible customers for Tiers 1 through 5 for the discount and administer hardship grants for the program. They will determine if a customer qualifies for the program and assign them to one of the six income bands. Customers may self-certify with the agency or the Company for Tier 6. The Company will authorize these agencies to certify customer eligibility for the Program.” with “3. Customers may self-certify with an agency or the Company for all

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<sup>8</sup> *Id.*

Tiers of the Program. The Company will authorize these Agencies to certify customer eligibility.

- 3) Customers in Tiers 1 through 5 may be selected by random sampling, and required to verify eligibility through post-enrollment verification, administered by an Agency. The Company will authorize these Agencies to verify customers and change a customer's eligible Tier based on received verification documents."
- 4) Require PacifiCorp to hire an independent third-party facilitator to conduct Low Income Bill Assistance (LIBA) Advisory Group (AG) meetings applying the IAP2 Spectrum. Additionally, require the Company to engage with its Equity AG, LIBA AG, and Commission Staff applying the same IAP2 Spectrum at the Consult, Involve, Collaborate, and Empower public participation levels and to only use the inform level as needed to brief advisory group members prior to a meeting. Finally, direct the Company to include LIBA AG members in the process of selecting a third-party facilitator to ensure the facilitator selected will ensure appropriate engagement with the LIBA AG.
  - i. PacifiCorp will initiate this process beginning January 1, 2026;
  - ii. Beginning February 2026, PacifiCorp will file monthly compliance reporting to this Docket demonstrating progress towards third-party facilitator incorporation, including any feedback received from AG members.
- 5) Order PacifiCorp to maintain a full self-attestation model for its LIBA program in any future filings;
- 6) As a condition of approval of this filing and knowing the company has issued customer notice as of August 1, 2025, this revision shall be scheduled for full consideration of any public comment received, and final approval or rejection of the revision at a regular Open Meeting in September 2025.<sup>9</sup>

7 This matter came before the Commission during its regularly scheduled open meeting on August 7, 2025. The Commission heard comments from Staff, PacifiCorp, Public Counsel, The Energy Project (TEP), and NW Energy Coalition (NVEC). Staff clarified that the Company has not yet sent notice to customers regarding this filing and accordingly would amend condition 6 above to require the Company to issue customer notice. Staff further clarified that the programs and tiers are not at issue. The primary issue, according to Staff, is self-attestation and post-enrollment verification. Staff

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<sup>9</sup> Staff's Memo, Docket UE-250311 at 1-2.

believes self-attestation has significantly increased enrollment in low-income programs for other utilities, and notes that all other utilities incorporate self-attestation and post-enrollment verification. Unfortunately, PacifiCorp's filing does not include self-attestation for all tiers, or post-enrollment verification.

- 8 Staff recommends that the Commission require PacifiCorp to issue a notice to customers and refile its tariff revisions to incorporate Staff's proposed changes as listed above. Further, Staff recommends that this matter be heard again during the Commission's last open meeting, scheduled for September 25, 2025.
- 9 PacifiCorp stated that in its 2023 general rate case settlement, it agreed to work with its advisory groups, and that it did so. PacifiCorp highlights that it was able to reach consensus on all program design elements except self-attestation. PacifiCorp notes that self-attestation experience in Washington is limited, but in California, evidence suggests more individuals are participating in low-income programs than should be possible. Further, the Company noted that if self-attestation for all its tiers were employed, anticipated program costs would exceed what it described as the five percent cost cap under the Multi-Year Rate Plan statutes within three to five years. Accordingly, PacifiCorp requested the Commission: (1) approve their tariffs as filed; (2) provide the Company with an opportunity to consult with their advisory groups to ensure an appropriate program design is in place to conduct post enrollment verification; and (3) examine the costs involved with hiring a 3<sup>rd</sup> party facilitator. PacifiCorp also provided the Commission assurances that it is working on a notice and has sent it to Staff for review.
- 10 Public Counsel stated that it supported Staff's request that the Commission should only approve PacifiCorp's program with self-attestation and post-enrollment verification for all program tiers. Public Counsel also noted that the burden on tiers 3-6, in requiring an appointment and paperwork with community action agencies are significant. Public Counsel also clarified that although there was discussion during the open meeting of fraud, that fraud requires intent, and in those who have been found to not qualify, there has been no finding of intent.
- 11 TEP commented that self-attestation has been incredibly successful across other utilities, with participation in low-income programs more than doubling with all four other investor-owned utilities in the state. TEP stated its belief that the program, as proposed, is set up to under perform and simply does not appear to be equitable for the most vulnerable customers.
- 12 NWECA stated its support for self-attestation and post-enrollment verification. NWECA stated that the other four investor-owned utilities in the state are seeing enrollment levels

rise in a meaningful way. NWECA also mentioned that the low levels of finding ineligible participants is far outweighed by the benefits to the communities.

## DISCUSSION

- 13 Staff and PacifiCorp were able to reach consensus on: (a) the number of discount tiers; (c) a low-income arrearage management plan; (d) community-based organization (CBO) outreach program; and (e) changing the billing logic so that federal assistance is applied before bill discount. However, PacifiCorp contests the program element (b), which requires the use of self-declaration of income with eligibility verification for a randomly selected group. Instead, PacifiCorp proposes that its filed tariff sheets become effective October 1, 2025, with self-attestation only available for one tier of customers.
- 14 We find that self-attestation and post-enrollment verification will reduce burdens for eligible customers, while maintaining program integrity. We agree that thus far self-attestation has significantly increased the enrollment for customers of other regulated utilities. While we understand PacifiCorp's concerns given their experience in other states, we find that consistency across our utilities should exist for ensuring enrollment in these programs is equitable. Further, we will continue to monitor program progress for PacifiCorp and all investor-owned utilities. Should problems arise, we will address those problems at that time and anticipate that the companies and advisory group members will continue to innovate and find ways to improve the self-attestation and post-enrollment verification process. This includes finding innovative ways to get customers to respond and ensure that there are not customers that are receiving benefits to which they are not entitled.
- 15 Accordingly, we find that PacifiCorp is required to issue customer notice in this docket on or before August 25, 2025, and file a revised tariff filing to:
- 1) Modify the language to ensure self-attestation for all tiers, defining eligibility consistent with Staff's recommendations;
  - 2) Modify the self-certification process language consistent with Staff's recommendation, to include an option for customers to self-certify with the Company; and
  - 3) Include a requirement that customers in Tiers 1 through 6 be selected at random and required to verify eligibility through post-enrollment verification.

- 16 Further, we are encouraged that the parties to this matter have reached agreement on all but one component of the program. Accordingly, we decline to adopt Staff's recommendation to require a third-party facilitator at this time, but require PacifiCorp to work with its LIBA Advisory Group and Equity Advisory Group to discuss retaining an independent third-party facilitator to conduct LIBA Advisory Group meetings applying the IAP2 spectrum, and bring a proposal back to the Commission for consideration.

### FINDINGS AND CONCLUSIONS

- 17 (1) The Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, regulations, practices, accounts, and affiliated interests of public service companies, including electric companies.
- 18 (2) PacifiCorp is an electric company and a public service company subject to Commission jurisdiction.
- 19 (3) The tariff revisions PacifiCorp filed on April 30, 2025, would modify tariffs and charges for customers that are eligible for program participation.
- 20 (4) PacifiCorp has not yet sent customer notice regarding its proposed tariff revisions.
- 21 (5) PacifiCorp's proposed tariff revisions do not include self-attestation and post-enrollment verification processes, contrary to similar bill-discount programs of all other investor-owned utilities operating in Washington.
- 22 (6) The Commission finds good cause to require PacifiCorp to file amended tariffs to accomplish the following:
- 1) Modify the language to ensure self-attestation for all tiers, defining eligibility consistent with Staff's recommendations;
  - 2) Modify the self-certification process language consistent with Staff's recommendation, to include an option for customers to self-certify with the Company; and
  - 3) Include a requirement that customers in Tiers 1 through 6 be selected at random and required to verify eligibility through post-enrollment verification.

- 23 (7) Further, PacifiCorp shall work with its LIBA Advisory Group and Equity Advisory Group to discuss how to better incorporate the IAP2 spectrum framework in the process, and the potential for retaining a third-party facilitator to conduct advisory group meetings, and bring a proposal back to the Commission for consideration.
- 24 (8) The Commission further finds good cause to require PacifiCorp to send notice to customers of the tariff revisions as filed April 30, 2025, and as modified consistent with this Order, on or before August 25, 2025.

### **ORDER**

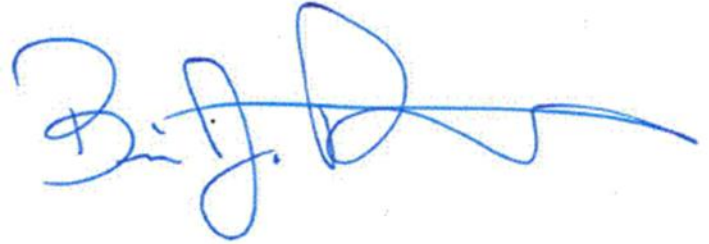
#### **THE COMMISSION ORDERS:**

- 25 (1) The tariff revisions PacifiCorp d/b/a Pacific Power and Light Company filed on April 30, 2025, in Docket UE-250311 shall be refiled to achieve the following:
- 1) Modify the language to ensure self-attestation for all tiers, defining eligibility consistent with Staff's recommendations;
  - 2) Modify the self-certification process language consistent with Staff's recommendation, to include an option for customers to self-certify with the Company; and
  - 3) Include a requirement that customers in Tiers 1 through 6 be selected at random and required to verify eligibility through post-enrollment verification.
- 26 (2) PacifiCorp d/b/a Pacific Power and Light Company shall work with its LIBA Advisory Group and Equity Advisory Group to discuss retaining an independent third-party facilitator to conduct LIBA Advisory Group meetings applying the IAP2 spectrum and shall bring a proposal back to the Commission for consideration.
- 27 (3) PacifiCorp d/b/a Pacific Power and Light Company shall send notice to customers of the tariff revisions as filed April 30, 2025, and as modified consistent with this Order, on or before August 25, 2025.

- 28 (4) The Commission shall retain jurisdiction over this matter to effectuate the terms of this Order.

DATED at Lacey, Washington, and effective August 11, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



BRIAN J. RYBARIK, Chair



ANN E. RENDAHL, Commissioner



MILTON H. DOUMIT, Commissioner