

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND ENERGY,

Respondent.

DOCKETS UE-220066, UG-220067,
UG-210918 (*Consolidated*)

**FRONT AND CENTERED'S
MOTION REQUESTING
CLARIFICATION OF
ORDER NO. 27-13**

Pursuant to WAC 480-07-835, Front and Centered requests clarification of Order No. 27-13 Approving Payment of Requests for Fund Grants by Intervening Parties to Docket Nos. UE-220066 and UG-220067. This order states that Front and Centered did not submit a request for reimbursement within 60 days of the Commission's final order. However, the Interim Agreement provides that Front and Centered must submit its request for reimbursement within 60 days of when the final order is not only final, but also *no longer appealable*. With this motion, Front and Centered requests clarification of Order No. 27-13 regarding the deadline to submit requests for payment of intervenor funding and requests approval of its timely filed reimbursement request.

BACKGROUND

Front and Centered is a membership-based coalition of communities of color-led groups across Washington State, whose missions and work come together at the intersection of equity, environmental and climate justice. These groups include organizations located throughout Washington State committed to envisioning a Just Transition to a future where communities and the earth are healed and thriving, people have dignified work, and government values, respects, and represents communities.

On March 15, 2022, Front and Centered intervened in this case, and filed a Request for Case Certification and Notice of Intent to Request a Fund Grant (Notice and Request). The

Commission granted Front and Centered's request for intervention and approved its request for case certification.¹ A month later, Front and Centered filed a Proposed Budget and requested a Fund Grant in this docket in the amount of \$15,000 to partially offset the costs of its participation in the proceeding. The Commission approved Front and Centered's Proposed Budget for a Fund Grant in the amount of \$15,000.²

Front and Centered actively participated in this case, focusing on issues related to the financial impact to low-income, vulnerable, and highly impacted customers from PSE's proposed rate increase, the environmental justice consequences of PSE's proposed investments, programs and bill impacts related to low-income and vulnerable customers, and performance based regulation of PSE's energy utility services. Front and Centered also engaged in extensive outreach to its member organizations, convening twelve outreach groups to listen and learn from member-organizations, while also providing them updates on the key issues addressed through this rate case.

Front and Centered participated in settlement negotiations with all the parties, elevating issues relating to environmental justice and the impact of utility regulation on low-income customers. Front and Centered agreed to the multi-party Revenue Requirement settlement filed with the Commission on August 28, 2022, and submitted testimony and briefing in support thereof.

On December 22, 2022, the Commission issued its final order approving the Revenue Requirement Settlement with conditions.³ No party moved for reconsideration of this order

¹ Order 08, Granting Requests for Case Certification (Mar. 24, 2022).

² Order 16-02, Approving Proposed Budgets (May 26, 2022).

³ *Wash. Util. & Trans. Comm'n v. Puget Sound Energy*, Dkt. Nos. UE-220066 & UG-220067, Order No. 24 (Dec. 22, 2022).

within 10 days, as provided by RCW 34.05.470 and WAC 480-07-850. Nor did any party file an appeal for judicial review within 30 days pursuant to RCW 34.05.542. Thereafter, several parties filed their requests for payment of the intervenor funding grants.

On March 2, 2023, the Commission issued Order 27-13 approving payments for the intervening parties who submitted requests for payment.⁴ Therein, the Commission correctly noted: “Although the Commission approved \$15,000 for Front and Centered in Order 16/02, Front and Centered did not file any Request for Payment within 60 days of the Commission’s final order.”⁵ Front and Centered filed its Request for Payment on March 8, 2023.

ANALYSIS

Pursuant to WAC 480-07-835, a party may request clarification of a Commission’s order to “ensure that the parties know their rights and responsibilities under the final order.” A motion for clarification should either request that the Commission modify its order, or request the Commission clarify the meaning of its order to ensure the parties may accurately prepare compliance filings.⁶ Front and Centered requests that the Commission clarify Order No. 27-13 to include the deadline for submitting requests for intervenor funding reimbursements, and to find that Front and Centered’s request for reimbursement is timely.

The Funding Agreement that provides that a “[r]equest for Payment for Customer Access Funds may be made at the conclusion of an Eligible Proceeding, and, when applicable, no later than 60 days after the Commission’s final order issued in the Eligible Proceeding has become

⁴ *Wash. Util. & Trans. Comm’n v. Puget Sound Energy*, Dkt. Nos. UE-220066 & UG-220067, Order No. 27-13 (Mar. 2, 2023).

⁵ *Id.*, ¶ 13.

⁶ WAC 480-07-835(1).

*final and non-appealable.*⁷ In other words, the 60-day time period to file a reimbursement request begins once the final order issued by the Commission in a proceeding may no longer be appealed. Under the Washington Administrative Procedure Act, an appeal for judicial review of a final order must be filed within 30 days.⁸ In effect, therefore, a request for reimbursement must be filed within 90 days of the final order, to account for the 30-day appeal period.

The time to file a request for reimbursement has not yet lapsed, and Front and Centered's reimbursement request is timely. The Commission issued its final order on December 22, 2022.⁹ The time period to appeal the final order lapsed on January 20, 2023. The parties then had 60 days to file their requests for reimbursement, a period that lapses on March 21, 2023. Front and Centered filed its request for reimbursement on March 8, 2023, within 60 days of when the final order became non-appealable, and therefore timely filed its reimbursement request.

Front and Centered seeks clarification of Order No. 27-13 because the order does not identify the deadline by which the parties must submit requests for reimbursement. In the Statement of Facts, the Commission correctly determined that Front and Centered had not submitted its request for reimbursement within 60 days of the Commission's final order. However, the Commission did not make any legal findings regarding the deadline for submitting requests for reimbursement, nor did the Commission find that Front and Centered could no longer submit its request for reimbursement.

⁷ *Petition for approval of an interim participatory funding agreement pursuant to RCW 80.28.430*, Docket U-210595, Order 01 (February 24, 2022), Attachment A § 7.1 (Executed Feb. 24, 2022) (hereinafter "Funding Agreement") (emphasis added).

⁸ RCW 34.05.542.

⁹ *Wash. Util. & Trans. Comm'n v. Puget Sound Energy*, Dkt. Nos. UE-220066 & UG-220067, Order No. 24 (Dec. 2, 202) (hereinafter Order No. 27-13).

Accordingly, Front and Centered respectfully requests that the Commission clarify that the deadline to submit requests for intervenor funding reimbursement is within 90 days of the Commission's final order, consistent with the language of Section 7.1 in the Funding Agreement. Further, Front and Centered respectfully requests that the Commission consider and approve its timely filed request for reimbursement.

CONCLUSION

For the foregoing reasons, Front and Centered respectfully requests that the Commission grant this Motion for Clarification, and approve its request for reimbursement for intervenor funding.

Dated this 8th day of March, 2023.

/s/ Jaimini Parekh

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