

**BEFORE THE**  
**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION	)	DOCKETS UE-220066 and UG-220067 ( <i>Consolidated</i> )
	)	
Complainant,	)	NOTICE OF INTENT TO REQUEST FUND GRANT AND PROPOSED BUDGET OF THE ALLIANCE OF WESTERN ENERGY CONSUMERS
v.	)	
PUGET SOUND ENERGY	)	
	)	
Respondent.	)	
<hr/>	)	

1 Pursuant to WAC § 480-07-370(3), Order 02 issued by the Washington Utilities and Transportation Commission (“Commission”) in Docket No. U-210595, Articles 6.2 and 6.3 of the Washington Extended Interim Participatory Funding Agreement (“Interim Agreement”) and the directive issued by Administrative Law Judge (“ALJ”) Howard at the Prehearing Conference held on September 29, 2023, the Alliance of Western Energy Consumers (“AWEC”) files this Notice of Intent to Request Fund Grant (“Notice”) and Proposed Budget in the above-referenced dockets.

2 As required by Article 6.2 of the Interim Agreement, AWEC is filing this Notice at the time designated by the Commission. AWEC is also serving this Notice on Puget Sound Energy (“PSE”) and each party to the proceeding.

3 Pursuant to Article 6.2, AWEC identifies the 2023 PSE Customer Representation Sub-Fund as the fund from which AWEC requests a Fund Grant.

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The Interim Agreement provides funds “to qualified parties to enable them to advocate on behalf of broad customer interests in proceedings before the [Commission].”<sup>1</sup> To be eligible for funding under the Interim Agreement, a Participating Organization must be (1) case-certified for (2) an Eligible Proceeding. An “Eligible Proceeding” is, among other things, “any proceeding before the Commission carried out in accordance with or under the auspices of the public service laws, Commission regulations, or Commission orders ... directly affecting one or more of the Participating Public Utilities, in which matters materially affecting the public interest are at issue.”<sup>2</sup>

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The Commission has previously determined that PSE’s 2022 General Rate Case qualifies as an “Eligible Proceeding.”<sup>3</sup> AWEC is seeking additional participatory funding in this case due to the additional process ordered by the Commission to address PSE’s Petition to Amend the Final Order.

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Under Article 5.1 of the Interim Agreement, “[o]nly parties that are case-certified for a particular proceeding will be eligible to receive Fund Grants.” On March 14, 2022, as required by Article 6.2 of the Interim Agreement, AWEC filed its Request for Case Certification and Notice of Intent to Request a Fund Grant. In that filing, AWEC identified the 2022 PSE Customer Representation Sub-Fund as the account from which AWEC intended to request a Fund Grant. The Commission granted AWEC’s Request for Case Certification on March 24, 2022, finding that AWEC demonstrated it is a non-profit organization that represents broad

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<sup>1</sup> Interim Agreement, Recitals.

<sup>2</sup> Interim Agreement, Article 1(c).

<sup>3</sup> See Dockets UE-220066 and UG-220067 (Consolidated) Order 29 at ¶ 15 (Oct. 6, 2023).

customer interests,<sup>4</sup> that “it can effectively represent the particular customers it seeks to represent,”<sup>5</sup> and that “the public interest is served by AWEC’s participation and [ ] no other party adequately represents the interests of industrial customers.”<sup>6</sup>

1           In accordance with Article 6.3 of the Interim Agreement and Judge Howard’s October 6, 2023 Prehearing Conference Order; Notice of Hearing, AWEC hereby files this Notice of Intent to Request Fund Grant and Proposed Budget for a 2023 PSE Customer Representation Sub-Fund Grant in the amount of \$10,000. The following information is provided in accordance with Articles 6.3 and 6.6 of the Funding Agreement.

2           **Statement of work to be performed by AWEC for which AWEC is seeking a Fund Grant.** AWEC has retained Davison Van Cleve, P.C. to represent it in responding to PSE’s Petition to Amend the Final Order in the above-captioned proceedings. As appropriate in accordance with the procedural schedule adopted to address this matter, AWEC will engage in discovery, settlement conferences, submit pre-filed written testimony and participate at the evidentiary hearing.

3           **Description of the general areas to be investigated by AWEC.** AWEC intends to investigate the basis for PSE’s Petition to Amend the Final Order related to its growing arrearage balance as well as whether there are appropriate solutions to the issues identified by PSE.

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<sup>4</sup> Dockets UE-220066 and UG-220067, Order 8 at ¶ 24 (March 24, 2022).

<sup>5</sup> *Id.* at ¶ 25.

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

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**Identification of the specific Sub-Fund from which AWEC is seeking a Fund**

**Grant and an estimate of the amount of available funds in that account, if known.** AWEC is

seeking a Fund Grant from the 2023 PSE Customer Representation Sub-Fund. AWEC is unsure of the amount of available funds in the PSE Customer Representation Sub-Fund account, but understands the amount to be substantially greater than its \$10,000 request in this case.

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**A budget showing estimated attorney fees, which may include the cost for appropriate support staff and operational support.** AWEC’s proposed budget, setting forth

estimated attorney fees, support staff costs and operational support costs, appears in Exhibit A.

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**A budget showing estimated consultant fees and expert witness fees, which may include the cost for appropriate support staff and operational support.** AWEC’s

proposed budget, setting forth consultant fees and expert witness fees, is also included in Exhibit A.

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**Cooperative Efforts.** In accordance with Article 6.6 of the Interim Agreement,

AWEC reached out to the other organizations whose request for case certification were granted to coordinate on budget requests. As of the time of this filing, AWEC is not aware of any objection to its proposed budget.

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**Additional Considerations.** Article 6.5 of the Interim Agreement sets forth

several factors that the Commission may consider when making a determination on budget requests. In aid of the Commission’s decision, AWEC provides the following information:

- a. The breadth and complexity of issues in this phase of the proceeding are more limited than in PSE’s general rate case; however, they are complex. PSE has

asserted that its continuation of the settlement term requiring the Company to maintain its current credit and collection processes until the conclusion of Docket U-210800 is necessary given its “staggering and growing arrearages balances.”<sup>7</sup>

Investigation of the extent of the issue, as well as appropriate solutions, is a complex matter that requires a careful balance of several competing interests.

- b. This phase of the proceeding implicates policy issues including those related to appropriate credit and collections practices while Docket U-210800 is pending.
- c. The procedural schedule in this case assumes a fully litigated case, which requires discovery, pre-filed written testimony, settlement conferences, as well as a hearing and any other events the Commission may deem appropriate. As such, AWEC’s participation will be extensive.
- d. In its Petition to Amend the Final Order, PSE asserted that its arrearages balance has ballooned to \$161 million as of May 2023,<sup>8</sup> which it estimates will result in significant rate impacts to customers which would be exacerbated if its current practices were to continue indefinitely.<sup>9</sup>
- e. The Commission previously recognized AWEC as an “incumbent” organization with a history of representing industrial customers’ interests before the

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<sup>7</sup> PSE’s Petition to Amend Final Order at ¶ 9.

<sup>8</sup> PSE’s Petition to Amend Final Order at ¶ 9.

<sup>9</sup> *Id.* at ¶ 12.

Commission,<sup>10</sup> and determined that “no other party adequately represents the interests of industrial customers.”<sup>11</sup>

- f. AWEC anticipates that its costs will exceed its budget request in this case, assuming a fully litigated proceeding. To the extent that AWEC’s costs are greater than Fund Grant amounts, AWEC will bear the costs of its participation. AWEC notes that, as shown in Exhibit A, its proposed budget in this case is less than the anticipated costs associated with its participation in a fully litigated proceeding.
- g. AWEC represents the interests of large energy consumers and has significant experience participating in Commission proceedings involving the Commission and PSE. In addition, AWEC has participated in numerous previous cases related to setting rates for PSE. Indeed, AWEC has been involved in every major PSE matter for over 20 years. Thus, AWEC possesses significant interest and expertise with respect to this proceeding. AWEC’s participation will benefit all PSE industrial and large non-residential customers.
- h. AWEC understands the level of available funds in the PSE Customer Representation Sub-Fund for 2023 to far exceed its \$10,000 request in this case. As such, AWEC’s request is within the limits of available funding.

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<sup>10</sup> Dockets UE-220066 and UG-220067, Order 8 at ¶ 24 (March 24, 2022).

<sup>11</sup> Dockets UE-220066 and UG-220067, Order 8 at ¶ 25 (March 24, 2022).

- i. At this time, AWEC does not anticipate requesting additional Fund Grants from the PSE Customer Representation Sub-Fund in 2023.

9 Therefore, AWEC respectfully requests that the Commission issue an order granting a Fund Grant in the amount specified above.

Dated this 11<sup>th</sup> day of October, 2023.

Respectfully submitted,

DAVISON VAN CLEVE, P.C.

*/s/ Sommer J. Moser*

Sommer J. Moser, OR State Bar # 105260

107 SE Washington St., Suite 430

Portland, OR 97214

(503) 241-7242 (phone)

(503) 241-8160 (facsimile)

sjm@dvclaw.com

*Attorney for the*

*Alliance of Western Energy Consumers*

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DAVISON VAN CLEVE, P.C.  
107 SE Washington St. Suite 430  
Portland, OR 97214  
Telephone: (503) 241-7242

**EXHIBIT A**

AWEC Proposed Budget for Fund Grant

Personnel	Hours	Rate	Cost
<i>Attorney Fees</i>			
Partner	10	\$325	\$3,250
Of Counsel	16	\$300	\$4,800
Paralegal	20	\$200	\$4,000
 <i>Expert Witness Fees</i>			
Experts	12	\$244	\$2,928
 <i>Other Expenses</i>			
Travel			\$0
Printing and Postage			\$22
Subtotal			\$15,000
<b>Total AWEC Request for 2023 PSE Customer Representation Sub-Fund Grant</b>			<b>\$10,000</b>