

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of

PUGET SOUND ENERGY

Clean Energy Implementation Plan
Pursuant to WAC 480-100-640

DOCKET UE-210795

ORDER 05

GRANTING REQUESTS FOR CASE
CERTIFICATION

- 1 **BACKGROUND.** On December 17, 2021, Puget Sound Energy (PSE or Company) filed with the Washington Utilities and Transportation Commission (Commission) its Final Clean Energy Implementation Plan (CEIP) in Docket UE-210795.
- 2 On May 9, 2022, the Commission convened a virtual prehearing conference before Administrative Law Judge Michael Howard.
- 3 On June 1, 2022, the Commission entered Order 04, Prehearing Conference Order and Notice of Hearing (Order 04). The Commission granted petitions to intervene from The Energy Project (TEP), NW Energy Coalition (NWECC), and Front and Centered, among others, and noticed an evidentiary hearing for January 31, 2023, at 9:30 a.m., continuing if needed to February 1, 2023. In the event that any parties sought intervenor funding, the Commission required that any requests for case certification and notices of intent to seek funding be filed by June 3, 2022. The Commission required that any proposed budgets be filed by June 22, 2022.
- 4 On June 3, 2022, TEP filed a Request for Case Certification and Notice of Intent to Request a Fund Grant. TEP indicated that it intended to request a fund grant from the Customer Representation Sub-fund of the customer access fund for PSE. TEP submits that this proceeding, PSE’s CEIP docket, is an “eligible proceeding” under the Interim Agreement.
- 5 Citing Sections 5.2.1 and 6.2 of the Interim Agreement, TEP requests case-certification. TEP submits that it is a non-profit organization; that it represents “broad customer interests,” including thousands of low-income customers; and that TEP has a history of effective representation in regulatory proceedings over the last two decades. TEP submits

that it is the only party focusing solely on the interests of low-income customers and that its participation will not unduly delay the proceeding.

- 6 That same day, June 3, 2022, NWECC filed a Request for Case Certification and Notice of Intent to Request Funding Grant. NWECC intends to request a fund grant from the Customer Representation Sub-Fund for PSE. NWECC submits that it is a non-profit organization and that it is an alliance of more than 100 organizations, including more than 40 organizations in Washington state, and individual members. NWECC focuses on energy efficiency, renewable energy, low-income and consumer protections, and informed public involvement in renewable energy. NWECC also focuses on issues that have a material impact on vulnerable populations and highly impacted communities. NWECC routinely participates in Commission proceedings involving PSE, participating in advisory groups, submitting formal comments to the Commission, and intervening in previous PSE general rate cases.
- 7 Front and Centered also filed a Request for Case Certification and Notice of Intent to Request a Fund Grant on June 3, 2022. Front and Centered intends to request a fund grant from the Prioritized Organizations Sub-Fund of the Customer Access Fund for PSE. Front and Centered submits that it meets the criteria for case certification. It is a non-profit organization and a climate justice coalition of over 70 organizations led by and serving communities of color in Washington state. Front and Centered notes that Black, Indigenous, and people of color (BIPOC) and low-income communities experience the harmful effects of climate change and inequities in systems of power at a higher rate than white and wealthier communities. Front and Centered submits that it is qualified to raise these concerns in this proceeding and that its participation will not cause any undue delay.

DISCUSSION

- 8 Pursuant to RCW 80.28.430, utilities must enter into funding agreements with organizations that represent broad customer interests. The Commission is directed to determine the amount of financial assistance, if any, that may be provided to any organization; the way the financial assistance is distributed; the way the financial assistance is recovered in a utility's rates; and other matters necessary to administer the agreement.¹

¹ RCW 80.28.430(2).

- 9 On November 19, 2021, the Commission issued a Policy Statement on Participatory Funding for Regulatory Proceedings (Policy Statement).² The Commission provided “high-level guidance regarding the amount of financial assistance that may be provided to organizations, the manner in which it is distributed to participants and recovered in the rates of gas or electrical companies, and other matters necessary to administer agreements.”³
- 10 On February 24, 2022, the Commission issued Order 01, Approving Agreement with Modifications (Order 01).⁴ The Commission approved the Interim Agreement filed by the parties on February 23, 2022, subject to certain modifications, and adopted the Interim Agreement as Appendix A to the Order. Among other points, the Commission clarified that it is not bound by the timeframes set forth in the Interim Agreement.⁵
- 11 In relevant part, Section 5.2 of the Interim Agreement provides that the Commission will case-certify an organization that is not a for-profit or governmental entity; represents “broad customer interests”; demonstrates it is able to “effectively represent the particular customers it seeks to represent”; demonstrates that no other case-certified stakeholder adequately represents these interests or that the proceeding will benefit from the organization’s participation; and establishes that it will not unduly delay the proceeding.⁶
- 12 In this proceeding, the Commission is reviewing PSE’s first-ever CEIP. The Commission has observed that “in the beginning the CEIP will involve a new and significant process and document, one that the utilities have never prepared, and that stakeholders, and this Commission have never reviewed.”⁷ Indeed, the Commission suspended PSE’s CEIP for adjudication. This is a “regulatory proceeding” within the meaning of the statute, which is

² *In the Matter of the Commission’s Examination of Participatory Funding Provisions for Regulatory Proceedings*, Docket U-210595 (November 19, 2021).

³ *Id.* ¶ 3.

⁴ *In the Matter of the Petition of Puget Sound Energy, et al.*, Docket U-210595 Order 01 (February 24, 2022).

⁵ *E.g., Id.*

⁶ Interim Agreement § 5.2.

⁷ *In the Matter of Adopting Rules Relating to Clean Energy Implementation Plans and Compliance with the Clean Energy Transformation Act*, Dockets UE-191023 & UE-190698 (Consolidated), General Order 601 ¶ 25 (General Order 601) (Dec. 28, 2020).

appropriate for participatory funding.⁸ We continue on to address each Request for Case Certification and Notice of Intent to Seek Funding.

- 13 **TEP.** TEP is a non-profit organization that represents broad customer interests. RCW 80.28.430(1) provides that organizations representing “broad customer interests” includes organizations representing “low-income” customers. In its Policy Statement, the Commission recognized certain “incumbent” organizations that have a history of representing these customer interests before the Commission and specifically referred to TEP in making this statement.⁹
- 14 TEP also demonstrates that it can effectively represent the particular customers it seeks to represent. TEP routinely appears before the Commission, participates in settlements, and offers testimony at evidentiary hearings without causing undue delays.¹⁰ We agree that the public interest is served by TEP’s participation and that TEP establishes it will not unduly delay the proceeding. We therefore grant TEP’s Request for Case Certification.
- 15 We also find that TEP has properly filed a Notice of Intent to seek funding, stating that the organization intends to seek funds from PSE’s Customer Representation Sub-fund.
- 16 Pursuant to Section 6.5 of the Interim Agreement, the Commission will not address any funding proposals until after the deadline for submitting proposed budgets. However, TEP and the other case-certified parties should be aware that the remaining funds in the Customer Representation Sub-Fund are limited and that the Commission is required by statute to prioritize organizations representing vulnerable populations and highly impacted communities.
- 17 **NWEC.** NWEC is also a non-profit organization that represents broad customer interests. In its Policy Statement, the Commission found that the term “broad customer interests” should not be limited to organizations representing larger groups of customers.¹¹ The Commission specifically agreed with NWEC’s comments that an organization

⁸ See Policy Statement ¶ 33 (interpreting the term “regulatory proceeding” broadly). See also Interim Agreement § 1(c) (defining “Eligible Proceeding”).

⁹ Policy Statement ¶ 18.

¹⁰ TEP’s Request for Case Certification ¶ 5(c). See also *WUTC v. Cascade Natural Gas Corporation*, Docket UG-200568 Order 05 ¶¶ 335-357 (May 18, 2021) (discussing and relying in part on TEP’s testimony regarding a utility’s disconnection moratorium and low-income programs).

¹¹ Policy Statement ¶ 28.

representing specific customers may implicate broader public interests.¹² We find that NWEAC meets this standard. NWEAC has appeared before the Commission on numerous occasions.¹³ More recently, the Commission granted NWEAC case certification in PSE's pending general rate case.¹⁴

- 18 NWEAC demonstrates that it can effectively represent the particular customers it seeks to represent. NWEAC routinely appears before the Commission without causing undue delays.¹⁵ We agree that the public interest is served by NWEAC's participation. We therefore grant NWEAC's Request for Case Certification.
- 19 We also find that NWEAC has properly filed a Notice of Intent to seek funding, stating that the organization intends to seek funds from PSE's Customer Representation Sub-fund.
- 20 Pursuant to Section 6.5 of the Interim Agreement, the Commission will not address any funding proposals until after the deadline for submitting proposed budgets. However, NWEAC and the other case-certified parties should be aware that the remaining funds in the Customer Representation Sub-Fund are limited and that the Commission is required by statute to prioritize organizations representing vulnerable populations and highly impacted communities.
- 21 **Front and Centered.** Front and Centered is also a non-profit organization that represents broad customer interests. RCW 80.28.430(1) requires utilities to enter into agreements for participatory funding with organizations representing "broad customer interests," specifically organizations that represent "vulnerable populations" and "highly impacted communities." RCW 80.28.430(4) further states that "[o]rganizations representing vulnerable populations or highly impacted communities must be prioritized for funding under this section." In this case, Front and Centered intends to request funds from the Prioritized Communities sub-fund and describes its organization as a coalition of over 70 organizations representing BIPOC communities. We therefore find that Front and Centered represents broad customer interests.
- 22 Front and Centered demonstrates that it is able to effectively represent the particular customers it seeks to represent. Although Front and Centered does not explicitly address this requirement of the Interim Agreement in its Request for Case Certification, Front and

¹² *Id.*

¹³ NWEAC's Petition at 2.

¹⁴ See *WUTC v. Puget Sound Energy*, Dockets UE-220066 & UG-220067 Order 08 (March 24, 2022) (granting requests for case certification from NWEAC and other parties).

¹⁵ See NWEAC's Request for Case Certification at 3.

Centered submits that it is “prepared and competent” to address issues relevant to highly impacted communities and vulnerable populations.¹⁶ Front and Centered also participates in PSE’s Equity Advisory Group.

23 We agree that the public interest is served by Front and Centered’s participation and that no other party adequately represents the interests represented by Front and Centered. We therefore grant Front and Centered’s Request for Case Certification.

24 We also find that Front and Centered has properly filed a Notice of Intent to seek funding, stating that the organization intends to seek funds from PSE’s Prioritized Communities sub-fund. Pursuant to Section 6.5 of the Interim Agreement, the Commission will not address any funding proposals until after the deadline for submitting proposed budgets.

ORDER

25 THE COMMISSION ORDERS:

26 (1) The Energy Projects’ Request for Case Certification is GRANTED.

27 (2) The NW Energy Coalition’s Request for Case Certification is GRANTED.

28 (3) Front and Centered’s Request for Case Certification is GRANTED.

Dated at Lacey, Washington, and effective June 16, 2022.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Michael Howard
MICHAEL HOWARD
Administrative Law Judge

NOTICE TO PARTIES: This is an Interlocutory Order of the Commission. Administrative review may be available through a petition for review, filed within 10 days of the service of this Order pursuant to WAC 480-07-810.

¹⁶ Front and Centered’s Request for Case Certification at 2.