

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PACIFICORP dba
PACIFIC POWER & LIGHT COMPANY

Respondent.

Docket UE-230172
(Consolidated)

In the Matter of

ALLIANCE OF WESTERN ENERGY
CONSUMERS'

Petition for Order Approving Deferral of
Increased Fly Ash Revenues

Docket UE-210852
(Consolidated)

PACIFICORP

REBUTTAL TESTIMONY OF CHRISTINA M. MEDINA

October 2023

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ATTACHED EXHIBITS

Exhibit No. CMM-3—2023 Clean Energy Implementation Plan Public Participation Plan
Exhibit No. CMM-4—The Energy Project’s Response to PacifiCorp Data Request No. 004

1 **I. PURPOSE AND SUMMARY OF TESTIMONY**

2 **Q. Are you the same Christina M. Medina who previously submitted direct**
3 **testimony in this proceeding on behalf of PacifiCorp dba Pacific Power & Light**
4 **Company (PacifiCorp or the Company)?**

5 A. Yes.

6 **Q. What is the purpose of your rebuttal testimony?**

7 A. My rebuttal testimony responds to general equity concerns raised in response testimony
8 by Molly A. Brewer (witness Brewer) on behalf of the Washington Utilities and
9 Transportation Commission Staff (Staff). The rebuttal testimony of Matthew D. McVee
10 (witness McVee) provides further rebuttal to the equity concerns raised by witness
11 Brewer.¹ My rebuttal testimony also responds to proposals regarding the
12 implementation of community-based social marketing for low-income assistance
13 programs, and the development of a language access plan raised in the response
14 testimony by Shaylee N. Stokes (witness Stokes) on behalf of The Energy Project
15 (TEP). As discussed below, I recommend the Commission reject TEP proposals.²

16 **II. PACIFICORP'S EQUITY RELATED ACTIVITIES**

17 **Q. Does witness Brewer acknowledge the Company's equity-related actions that were**
18 **not proposed in the Multi-Year Rate Plan (MYRP)?**

19 A. No. It appears that witness Brewer has a narrower view of the Company's equity-
20 related requirements. PacifiCorp considers equitable actions or modifications to its

¹ McVee, Exh. MDM-2T at 26-47.

² Unless personal pronouns are specified by a witness in their testimony, in my rebuttal testimony I use "they/them" when using a pronoun to refer to a witness.

1 operations that were not explicitly proposed within this case to be relevant.³ This
2 includes the substantial equity work outlined in the Company’s Clean Energy
3 Implementation Plan (CEIP). The Company adopts a broader interpretation of the
4 Commission’s guidance and does not believe it is necessary to wait for approval in a
5 subsequent rate case to implement equitable modifications to its operations. Equity
6 serves as a guiding principle for actions that the Company takes within its Washington
7 service area, which generally aligns with the Commission’s equity discussion in the
8 *Cascade* order.⁴

9 **Q. Can you provide an example from your direct testimony?**

10 A. Yes. For instance, my direct testimony discussed the Company’s extreme weather
11 disconnection moratorium that PacifiCorp implemented.⁵ The Company does not
12 believe that it should have refrained from independently implementing this program
13 and instead included it as a proposal in its multi-year rate plan to comply with the
14 equity requirement. The Company strongly believes that it is more reasonable to
15 implement equitable modifications to its operations as soon as practicable, without
16 waiting for them to be proposed and approved in a subsequent rate plan proposal. This
17 is especially true given the time between multi-year rate filings. Such an unnecessary
18 delay can result in unequitable outcomes for our customers, and would appear contrary
19 to prior Commission guidance.

³ Brewer, Exh. MAB-1T at 22:14 (“Because these actions were outside of this case, they didn’t factor into Staff’s position.”).

⁴ *WUTC v. Cascade Nat. Gas Corp.*, Docket No. UG-210755, Order 09 at ¶58 (Aug. 23, 2022) (“Recognizing that no action is equity-neutral, regulated companies should inquire whether *each* proposed modification to their rates, practices, or operations corrects or perpetuates inequities.”) (emphasis added).

⁵ Medina, Exh. CMM-1T at 9:22-10:2.

1 **Q. Do you have other examples of equitable actions and modifications to**
2 **PacifiCorp’s operations in addition to those described in your direct testimony?**

3 A. Yes. The Company is continually promoting equity within its Washington service
4 area. The following is a non-exhaustive list of additional equitable actions that the
5 Company has pursued:

6 • **Establish an Electric Vehicle (EV) grant program:** On May 20, 2022,
7 PacifiCorp filed its 2022 Washington State Transportation Electrification Plan
8 (Plan) with the Commission in Docket No. UE-220359 and supplemented its
9 original filing with an addendum on September 28, 2022. This is PacifiCorp’s
10 first filed Plan since legislation was enacted in 2019. The Commission
11 acknowledged the Plan on October 27, 2022, which enabled PacifiCorp to begin
12 developing the proposed programs, that included a communities grant program,
13 outreach and education program, and managed charging pilot program. These
14 programs broaden the previous EV programs by allowing for multiple project
15 types to participate, with benefits and preference targeted towards Named
16 Communities. The overall goal is to provide exploratory programs that will help
17 to plan, promote, or deploy electric transportation technology and projects across
18 the service area, including within Named Communities. These programs have
19 been shared with stakeholders for feedback and review.

20 • **Program Changes Tied to Utility Actions within the CEIP:** PacifiCorp made
21 several changes to residential and non-residential customer energy efficiency
22 programs to increase the focus on delivery of benefits to Named Communities.
23 These utility actions were based on input received from the Equity Advisory

1 Group (EAG) and relevant Customer Benefit Indicators (CBIs). Changes
2 included, but were not limited to: expanding the tariff applicability for the
3 installation of energy efficiency improvements; increasing the funds that are
4 available for repairs from 15 percent to 30 percent of the annual reimbursement
5 on energy efficient measures; and updating income guidelines to be consistent
6 with RCW 19.405.020(25). Before these changes, certain income-qualified homes
7 could not receive energy efficiency improvements due to the extent of critical
8 maintenance needed before the energy efficiency improvements could be made.
9 The utility actions (including updates as needed) will be included in the 2024-
10 2025 Biennial Conservation Plan filing due November 1, 2023. Similarly, as a
11 result of the Company's CEIP, the Company has launched Demand Response
12 programs. PacifiCorp has leveraged the EAG as a channel to build awareness of
13 the Company's newly developed Demand Response programs, as they have been
14 rolled out in 2022 and 2023. Program staff presented at approximately five EAG
15 meetings in 2022 and three in 2023 to-date to discuss plans for program design of
16 Demand Response programs. Additionally, PacifiCorp hosted a technical
17 workshop on Demand Response in January 2023, to which EAG members and
18 Staff were invited. Specifically, the Company sought feedback on community
19 groups to target with messaging, in-person events to attend, suggestions for ways
20 to reach small businesses, and ultimately how to partner with the EAG to get the
21 message out.

- 22 • **Select Outreach and Engagement Activities:** PacifiCorp has taken steps to
23 foster greater engagement and continue the efforts to improve the community

1 outreach mechanism. For instance, PacifiCorp created a Community Calendar to
2 further participation in the local community events happening in Washington and
3 is shared quarterly with the Washington EAG. The Company has also added a
4 new bilingual outreach coordinator for small businesses in highly impacted
5 communities to the program delivery team. The outreach coordinator is a trusted
6 community partner who offers meaningful insight and a relevant voice to
7 programs and their benefits through participation. Additionally, the need to
8 increase focus on supporting agricultural workers in the region prompted
9 PacifiCorp to develop and deliver 14 presentations at fruit packing houses to
10 approximately 780 agricultural workers. The presentation content was
11 educational, focusing on programs and actions intended to ease the energy burden
12 and support greater participation and benefits for the attendees and their families.
13 PacifiCorp distributed 850 pieces of informational collateral on energy efficiency,
14 bill assistance, and weatherization information.

- 15 • **Finalized an Energy Burden Assessment:** PacifiCorp hired Empower
16 Dataworks to prepare a 2022 Energy Burden Assessment (EBA) for the
17 Company’s residential customers in Washington. In the EBA, Empower
18 Dataworks highlighted that the “[Low Income Bill Assistance] program design is
19 very good at targeting benefits to higher burden customers” and overall, “program
20 administration/overhead is very efficient relative to other programs in the state.”
21 High-level takeaways also noted “good coordination between PacifiCorp and the
22 local agencies on culturally appropriate marketing and program design.”⁶ Finally,

⁶ Stokes, Exh. SNS-4 at 17.

1 the study identified a series of recommendations for continued improvement.
2 PacifiCorp partners with three agencies to administer and deliver the program:
3 Blue Mountain Action Council (BMAC) serves Columbia, Garfield, and Walla
4 Walla counties, Opportunities Industrialization Center of Washington (OIC)
5 serves Upper Yakima County, and Yakima Valley Farm Workers Clinic dba
6 Northwest Community Action Center (NCAC) serves Lower Yakima County.

7 **Q. How do you respond to witness Brewer’s testimony pertaining to equity and**
8 **capital planning?**

9 A. Witness McVee provides a response to witness Brewer’s testimony on capital planning
10 in his rebuttal testimony.⁷ However, it is my understanding much of the Company’s
11 *planning* does not occur within a general rate case. While Staff has commended the
12 Company for implementing an equity questionnaire in its Request for Proposals
13 processes,⁸ it is crucial to understand that both the Integrated Resource Plans and Clean
14 Energy Implementation Plans undergo extensive public input and comment. PacifiCorp
15 aims to actively involve and consider the public in shaping its plans for a renewable
16 energy future in Washington. In particular, the company’s Public Participation Plan
17 (PPP) for its CEIP ensures robust and inclusive participation. In particular, the PPP is
18 built upon the following four pillars: (1) Engaging members of the public with
19 appropriate outreach, methods, timing, and language considerations; (2) Addressing
20 barriers to participation; (3) Making data accessible and available to members of the
21 public and CEIP stakeholders; and (4) Incorporating learnings from existing advisory
22 groups. I have attached the PPP as Exhibit CMM-3 to my rebuttal testimony.

⁷ McVee, Exh. MDM-2T at 40-47.

⁸ Brewer, Exh. MAB-1T at 22:4-6.

1 **Q. Is there a pending policy docket related to the equity requirement?**

2 A. Yes. The Commission initiated an equity-focused proceeding in docket A-230217.
3 The Commission recently clarified that it would solicit stakeholder input concerning
4 the four tenets of equity justice in turn, first exploring Procedural Justice, followed by
5 Distributional Justice, Recognition Justice, and then Restorative Justice, and noting
6 the Commission expectation is that will take about two years to complete. The
7 Company looks forward to collaboratively working with the Commission, Staff, and
8 other stakeholders in this proceeding to gain a better collective understanding on this
9 important topic.

10 **III. COMMUNITY-BASED SOCIAL MARKETING**

11 **Q. Please describe witness Stokes' proposal related to community-based social**
12 **marketing.**

13 A. Witness Stokes recommends that the Commission order PacifiCorp to establish a
14 community-based outreach program with a budget of at least \$100 thousand for the first
15 three years.⁹ This program would involve collaboration between PacifiCorp and
16 Community Action Agencies to identify Community Based Organizations (CBOs) that
17 would receive compensation for marketing low-income programs. If approved, witness
18 Stokes suggests that PacifiCorp and the Low-Income Advisory Committee (LIAC)
19 work together to determine the specific implementation details of the program.

20 **Q. Do you agree with witness Stokes proposal?**

21 A. Not at this time.

⁹ Stokes, Exh. SNS-1T at 24-27.

1 **Q. Can you please explain PacifiCorp’s current marketing activities for low-income**
2 **assistance programs in Washington?**

3 A. Yes. With input received from partner Community Action Agencies, the Low-Income
4 Bill Assistance program (LIBA) marketing and outreach campaigns run in the Spring
5 and Fall through various physical and digital media. These include:

- 6 • Website;
- 7 • Social media (Facebook and Twitter);
- 8 • Digital media ads including cinema video advertisements;
- 9 • Bill messages;
- 10 • English/Spanish radio ads in the Yakima service area;
- 11 • English movie theatre advertisements in Walla Walla;
- 12 • English and Spanish newspaper advertisements;
- 13 • Community organizations English/Spanish handouts;
- 14 • Church pamphlets;
- 15 • Gas toppers placed at gas stations in Yakima;
- 16 • Community Outreach local spokesperson – leveraged Wattsmart outreach in 2022
17 to deliver program information to employees of fruit storage and packing
18 facilities; and
- 19 • Leveraging Wattsmart Residential pilot program with local spokesperson for
20 various radio, print and tv interviews and attend local events.

21 **Q. What is the annual budget for these marketing activities in Washington?**

22 A. The annual budget is \$60 thousand.

1 **Q. Is witness Stokes proposal excessive given PacifiCorp’s current marketing**
2 **budget?**

3 A. Yes. Given that the current budget for marketing activities is only \$60 thousand,
4 witness Stokes budget proposal is excessive as it would require this Commission to
5 order PacifiCorp to provide at-least \$100 thousand of customer funds to be
6 transferred directly to CBOs, without any detail concerning accountability or
7 cost-effectiveness.

8 **Q. Does witness Stokes provide any reasoning why at least \$100 thousand is an**
9 **appropriate level of funding for this program?**

10 A. No. Witness Stokes only states that such funding would be necessary “[t]o ensure
11 sufficient funding for sustained engagement by CBOs.”¹⁰ However, witness Stokes
12 does not provide any further detail explaining why this specific level of funding is
13 necessary.

14 **Q. Does witness Stokes provide any support that transferring ratepayer funds to**
15 **CBOs is cost-effective?**

16 A. No. While witness Stokes mentions that program details would be determined in LIAC
17 meetings, the current record lacks evidence to support the Commission’s order of at
18 least \$100 thousand of ratepayer funds to CBOs as a cost-effective measure. For
19 instance, there is no proposal outlining how much of the proposed \$100 thousand
20 amount would be allocated for covering administrative expenses versus actual
21 advertising of low-income programs.

¹⁰ Stokes, Exh. SNS-1T at 27:18-19.

1 **Q. Does witness Stokes provide any detail on the oversight of customer funds given**
2 **to CBOs?**

3 A. No.

4 **Q. Do you agree with witness Stokes' premise that CBOs could provide value in**
5 **improving the effectiveness of low-income program marketing?**

6 A. Yes. PacifiCorp acknowledges the value of CBOs and their importance in the
7 communities they serve. PacifiCorp would be open to receiving feedback and input
8 from CBOs on how to potentially improve its advertising efforts and invites CBOs to
9 reach out to the Company or attend its LIAC meetings. Although PacifiCorp would
10 be open to receiving feedback and input from CBOs on how to potentially improve its
11 marketing activities, it is not convinced at this time that directly providing CBOs with
12 customer funds is in the public interest. PacifiCorp would be willing to discuss this
13 proposal, including all the details of such a proposal, within the context of LIAC
14 meetings.

15 **Q. Has PacifiCorp made any efforts to connect with CBOs in its service area?**

16 A. Yes. PacifiCorp has made efforts to connect with CBOs in its service area. The
17 Company maintains contracts with various community action agencies / community-
18 based organizations to help shape and deliver the Company's low-income programs.
19 This includes Northwest Community Action Center located in Toppenish,
20 Washington that serves the lower Yakima County, OIC of Yakima that serves the
21 upper Yakima Valley, Blue Mountain Action Council located in Walla Walla,
22 Washington that serves Walla Walla, Garfield, and Columbia counties and Yakama
23 Nation Housing Authority within the Yakama Nation Reservation. Additionally,

1 PacifiCorp has made efforts to connect with community-based organizations by way
2 of its outreach in local community events as well as through presentations in
3 collaboration with local non-profit organizations. Company representatives have
4 connected with community-based organizations such as Yakima Valley Farm
5 Workers Clinic through its health and resource fairs, the Asian Pacific Islander
6 Coalition, the Central Washington Hispanic Chamber of Commerce, and the
7 Salvation Army to name a few.

8 **Q. Should the Commission defer to the LIAC on how customer funds should be spent**
9 **for marketing low-income assistance programs?**

10 A. Yes. Witness Stokes acknowledges that the details of this program, if ordered by the
11 Commission, should be determined within LIAC meetings.¹¹ However, it is concerning
12 that witness Stokes proposes the Commission order the implementation of this program
13 without any input from the LIAC. It is essential to consider procedural justice, as
14 emphasized by the Commission in its *Cascade Order*.¹² The Commission should not
15 bypass the LIAC and dictate the method on how these programs should be advertised,
16 because the LIAC acts in a representative capacity for the Company's low-income
17 customers, and their input holds significant value. They are in the best position to
18 determine if such a program aligns with their needs and if it is the most effective use of
19 limited customer funds.

20 **Q. Do you have an alternative recommendation?**

21 A. Yes. PacifiCorp is willing to work collaboratively with TEP and will include this
22 proposal as an agenda item to be discussed in a forthcoming LIAC meeting.

¹¹ Stokes, Exh. SNS-1T at 27:22-23.

¹² *WUTC v. Cascade Nat. Gas Corp.*, Docket No. UG-210755, Order 09 at ¶56 (Aug. 23, 2022).

1 **IV. LANGUAGE ACCESS PLAN**

2 **Q. Please describe witness Stokes' proposal related to the development of a language**
3 **access plan.**

4 A. Witness Stokes proposes that the Commission should order the Company to develop a
5 language access plan.¹³ While the Company already offers various services and
6 outreach programs to assist customers who speak languages other than English, witness
7 Stokes believes that a formal language access plan is necessary, and should be
8 developed in consultation with the LIAC and EAG. The proposed timeline for this plan
9 includes: developing the plan within six months of the final order in this proceeding,
10 soliciting input from the LIAC and EAG within seven months, making a subsequent
11 filing with the Commission containing the final plan within 12 months (pursuant to
12 WAC 480-07-885), and maintaining and revising the plan as needed with approval and
13 feedback from the LIAC and EAG.

14 **Q. Do you agree with witness Stokes' proposal?**

15 A. No.

16 **Q. Does PacifiCorp's CEIP acknowledge the need to increase its Spanish outreach to**
17 **customers?**

18 A. Yes. Page 96 of the 2021 CEIP provides:

19 PacifiCorp also recognizes the need to continue to increase Spanish
20 outreach to customers. While this work has already begun, PacifiCorp
21 will continue to increase the number of ads and direct outreach (mail,
22 email, and collateral) in Spanish. PacifiCorp will also create additional
23 program webpages and materials in Spanish on its website, including
24 education materials on a new webpage dedicated to educational
25 content. Educational sources will include content, videos and resources
26 for customer and community use. Spanish ads will drive directly to
27 these Spanish webpages. Digital and printed materials in Spanish will

¹³ Stokes, Exh. SNS-1T at 21-24.

1 be available to customers and community organizations to provide
2 information about program offerings. PacifiCorp also will continue to
3 identify and expand outreach to non-profits that provide services to
4 named communities.¹⁴

5 **Q. Can you explain what actions and services the Company provides for its**
6 **customer who speak a primary language other than English?**

7 A. PacifiCorp understands the importance of equal access to information, and that varied
8 communication approaches, paired with a myriad of delivery modalities, are the tools
9 that foster connections with the customers and communities the Company is honored
10 to serve. To that end, PacifiCorp has developed various pathways, public engagement
11 spaces, and methods on how feedback is utilized and captured through various public
12 channels. These include:

- 13 • The development of a Multicultural Marketing Campaign in Yakima and Walla
14 Walla;
- 15 • Creating messaging in culturally relevant language and means of
16 communications;
- 17 • Partnering with local, trusted community members to spread program and
18 incentive messages within the community and facilitate conversations;
- 19 • Using data to understand and leverage the known communication methods of our
20 customers;
- 21 • Exemplifying the usability, and value of programs and benefits by sharing real-
22 life examples and case studies of participation in local communities;
- 23 • Our Customer Care call center offers the following to improve and support

¹⁴ *In the Matter of PacifiCorp, dba Pacific Power & Light Co. Clean Energy Implementation Plan*, Docket No. UE-210829, Revised 2021 Clean Energy Implementation Plan at 92 (Mar. 13, 2023).

1 expanded customer accessibility:

- 2 ▪ Language translation services are available 24/7;
- 3 ▪ Hearing impaired customers may engage with PacifiCorp through
- 4 Telecommunications Relay call services;
- 5 ▪ Collection notices in Washington are offered in English, Spanish,
- 6 Russian Cambodian, Laotian and Vietnamese; and
- 7 ▪ Direct agent support line for Spanish speaking customers is available
- 8 24/7.¹⁵

9 **Q. Are you familiar with the concept of a “language access plan”?**

10 A. No, witness Stokes’ testimony is the first time I have come across this concept. The
11 Company issued a data request to determine if TEP could provide an example of a
12 language access plan from another utility. In response, TEP explained that it was not
13 aware of any language access plan by any other regulated utility in Washington and
14 was not able to provide a copy of any language access plan for reference.¹⁶ Given the
15 that the Company does not possess an example of a language access plan, it may be
16 difficult for the Company to develop one if ordered by the Commission.

17 **Q. Do you agree with witness Stokes’ proposal for a language access plan?**

18 A. Not at this time. Similar to my testimony regarding the CBO proposal, there is no
19 record in this proceeding indicating whether the LIAC or EAG would support the
20 specific method of a language access plan. Witness Stokes suggests that the
21 Commission order the development of the plan without seeking input from the LIAC or
22 EAG to determine if they agree with the concept of a language access plan, or if they

¹⁵ PacifiCorp also has a version of its website in Spanish: <https://www.pacificpower.net/es>.

¹⁶ Medina, Exh. CMM-4.

1 believe the development of such a plan is a worthwhile use of limited resources. As
2 mentioned earlier, it is crucial to consider procedural justice, as emphasized by the
3 Commission in its *Cascade Order*. The Commission should not bypass the LIAC or
4 EAG and directly dictate the method on how the Company engages with customers
5 who do not have English as their primary language. The LIAC and EAG act in a
6 representative capacity for the Company's low-income customers and Named
7 Communities, and their input is highly valuable. They are best positioned to provide
8 insights on how to effectively address language barriers and ensure equitable access to
9 services. However, the Company is willing to work collaboratively with TEP and have
10 a discussion of their proposal at forthcoming LIAC and EAG meetings.

11 **Q. If the Commission orders the development of a language access plan, does witness**
12 **Stokes provide any reason as to why the Company must develop a language access**
13 **plan within six months after the final order in this proceeding?**

14 A. No, witness Stokes does not provide a specific reason for the six-month timeline. It
15 appears to be an arbitrary deadline. As mentioned earlier, PacifiCorp would prefer to
16 discuss any relevant proposals within the context of advisory group meetings.
17 Furthermore, the Company believes it is important to take the necessary time to
18 inclusively and thoughtfully develop any proposal in collaboration with interested
19 stakeholders. This approach ensures that any proposal effectively assists customers who
20 do not have English as their primary language, rather than rushing to meet an arbitrary
21 deadline.

1 **Q. Does witness Stokes provide any reason as to why the Commission should order a**
2 **subsequent filing within twelve months?**

3 A. No, witness Stokes does not provide a specific reason for the Commission to order a
4 subsequent filing within twelve months. The deadline of twelve months appears to be
5 arbitrary. However, it is possible that the rationale behind this timeline is to allow
6 sufficient time for stakeholder input following the development of the language access
7 plan. Furthermore, witness Stokes does not explain why the Commission should order
8 the Company to make a subsequent filing, which would initiate an entirely new docket,
9 rather than a compliance filing in this proceeding pursuant to WAC 480-07-880.

10 **V. CONCLUSION**

11 **Q. Please summarize your recommendations to the Commission.**

12 A. I recommend the Commission reject TEP's community-based social marketing and
13 language access plan recommendations, and find that the Company has appropriately
14 considered equity as part of its MYRP.

15 **Q. Does this conclude your rebuttal testimony?**

16 A. Yes.