

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of)
) DOCKET U-210595
WASHINGTON UTILITIES AND)
TRANSPORTATION COMMISSION,)
) SUPPLEMENTAL COMMENTS OF
Relating to the Commission’s examination) THE ALLIANCE OF WESTERN
of intervenor funding provisions for) ENERGY CONSUMERS
regulatory proceedings.)
_____)

I. INTRODUCTION

1 Following the Washington Utilities and Transportation Commission’s
 (“Commission”) September 28, 2021 workshop in the above-referenced docket, the Alliance of
 Western Energy Consumers (“AWEC”) submits these supplemental comments on agreements to
 provide stakeholder funding to participate in Commission proceedings.

2 In these supplemental comments, AWEC reiterates its recommendation that the
 Commission dispense with, or defer, a policy statement in this docket and instead allow the
 utilities and interested stakeholders to negotiate, with Commission oversight and participation,
 one or more agreements for intervenor funding to bring to the Commission for consideration.
 Given the substantial projected workload in 2022 for the Commission and intervenors, time is of
 the essence to secure at least a framework that will allow for funding to participate in these cases.

II. COMMENTS

3 SB 5295 is an important piece of legislation that requires utilities to file multi-
 year rate plans and, within this context, provides statutory authority for utilities to offer funding

to organizations that represent broad customer interests. The first of these multi-year rate plans will be litigated next year, with both Puget Sound Energy and Avista indicating an intention to file early in 2022. Additionally, each electric utility will have filed its Clean Energy Implementation Plans (“CEIPs”). As these are the first CEIPs ever filed under the Clean Energy Transformation Act, there is substantial uncertainty over what they will contain, how they will be handled, and whether they will be subject to adjudication.

4 While SB 5295 requires the Commission to prioritize organizations representing vulnerable populations and highly impacted communities for funding, these are not the only organizations eligible for funding – any organization representing “broad customer interests in regulatory proceedings conducted by the commission” is eligible. It became clear at the September 28th workshop that simply providing funding for prioritized organizations is not likely to be sufficient to ensure their participation in Commission proceedings. Substantial outreach and continuous engagement with these groups is likely necessary. AWEC is committed to doing what it can to further this process, but waiting to provide funding to any organization until a sufficient number of prioritized organizations are committed to the process risks undue delay and thwarting legislative intent (to provide funding for, among other things, participation in complex multi-year rate plan proceedings).

5 As a consequence, AWEC believes that negotiation over an intervenor funding agreement should begin as soon as possible, and should not wait for the Commission to issue a policy statement. There are several advantages to this approach. First, in addition to delaying negotiations, a policy statement risks complicating them as well. Parties may have different interpretations of a policy statement’s meaning, which risks creating insurmountable conflicts

where they may not otherwise exist. Additionally, AWEC strongly recommends that the Commission be involved in the negotiation process, which will serve a similar, but more flexible function to a policy statement – it will ensure that the Commission is aware of the direction of negotiations and can correct that direction if it is in conflict with Commission preferences. AWEC recommends that the Chief Administrative Law Judge participate in these negotiations and, if desired, a member of Commission Staff as well. Further, negotiating an agreement now will give the Commission something concrete to react to, rather than issuing a policy statement in a relative vacuum. The Commission can always reject or modify any agreement presented to it.

6 As mentioned at the workshop, it is also worth recalling that any agreement can (and should) be revisited and modified periodically. As required by SB 5295, any agreement brought to the Commission should contain provisions that prioritize organizations representing vulnerable populations and highly impacted communities. Simultaneously, however, the Commission, utilities, and stakeholders should be conducting outreach to these organizations to understand what modifications are necessary to ensure their participation going forward. It is not a simple or quick process to bring new voices into the administrative process, particularly where the subject matter is as complex and arcane as the Commission's. As that process gains momentum, however, any approved agreement can be amended to facilitate the participation of prioritized organizations.

III. CONCLUSION

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AWEC appreciates the opportunity to provide these comments and looks forward to working with the Commission and stakeholders on the development of intervenor funding in Washington.

Dated this 5th day of October, 2021.

Respectfully submitted,

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