

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION, Complainant, v. PACIFICORP d/b/a PACIFIC POWER & LIGHT COMPANY, Respondent.	DOCKET UE-230172 and UE-210852 <i>(Consolidated)</i> ORDER 10
In the Matter of ALLIANCE OF WESTERN ENERGY CONSUMERS' Petition for Order Approving Deferral of Increased Fly Ash Revenues	ORDER 08 APPROVING PAYMENTS

- 1 On March 19, 2024, the Washington Utilities and Transportation Commission (Commission) issued Final Order 08/06, Rejecting Tarriff Sheets; Approving Settlement Subject to Conditions; Requiring Compliance Filing (Final Order 08/06). The Commission approved and adopted a partial multiparty settlement, subject to limited conditions, which resolved the majority of the litigated issues in the general rate case filed by PacifiCorp d/b/a Pacific Power & Light Company (PacifiCorp or Company). The Commission also ruled on the issues pertaining to forecasted net power costs (NPC) and the Company's Power Cost Adjustment Mechanism (PCAM), which were not included in the Settlement.
- 2 Earlier on June 30, 2023, the Commission entered Order 05/03, Approving Proposed Budgets and Fund Grants (Order 05/03). The Commission approved proposed budgets submitted by each of the case-certified parties. The Commission approved The Energy Project's (TEP's) Proposed Budget and Fund Grant in the amount of \$50,000; the Alliance of Western Energy Consumer's (AWEC's) Proposed Budget and Fund Grant in the amount of \$66,000; and NW Energy Coalition's (NVEC's) Proposed Budget and Fund Grant in the amount of \$48,200.
- 3 On April 4, 2024, TEP filed a Request for Payment in the amount of \$50,000.

4 On April 17, 2024, AWEC filed a Request for Payment in the amount of \$66,000. Each of these requests for payment are discussed more fully below.

DISCUSSION

5 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

6 On February 9, 2023, the Commission entered Order 02, Approving Agreement Subject to Condition, Requiring Refiling of Modified Agreement (Order 02).² The Commission approved the Revised Agreement submitted by the parties, subject to the removal of paragraph 7.9, which authorized deferred accounting treatment.³ The Commission also clarified that it was not bound by the timelines set forth in the Revised Agreement.⁴

7 As relevant here, the Revised Agreement carried forward the same requirements for requests for payments of fund grants as set forth in the earlier Interim Agreement.⁵ The Request for Payment must:

(a) Itemize the expenses, payees, and hourly rates for amounts to be reimbursed, including billing details, and including separately identified amounts for consultant or expert witness fees and travel expenses;

(b) Demonstrate that the expenses are reasonable and are directly attributable to issues and positions pursued on behalf of customers and consistent with the intervenor’s proposed budget;

¹ RCW 80.28.430(2).

² *In the Matter of the Petition of Puget Sound Energy, et al.*, Docket U-210595 Order 02 (February 9, 2023).

³ *Id.* ¶ 20.

⁴ *Id.* ¶ 21.

⁵ Compare Revised Agreement § 7.1 with *In the Matter of the Petition of Puget Sound Energy, et al.*, Docket U-210595 Order 01, Interim Agreement § 7.1 (February 24, 2022).

(c) Provide information sufficient to show that the Participating Organization has complied with any condition or requirement of the Fund Grant; and

(d) Specify whether the request for payment is for interim funding, in the case of Prioritized Organizations only, or final payment in full, and indicate whether any approved budget amount may be released back to the applicable Sub-Fund because the Participating Organization does not intend to request payment for the full approved budget amount.”⁶

8 The Revised Agreement also makes clear that “[e]ligible expenses” may include costs for eligible proceedings incurred prior to the approval of the Revised Agreement.⁷

9 In this case, two of the three case-certified parties filed Requests for Payment of Fund Grants. In the interest of providing a timely decision on these requests, we address TEP’s and AWEC’s requests even though the deadline for filing such requests has not yet expired.

10 **AWEC.** On April 17, 2024, AWEC filed a Request for Payment of Fund Grant and Eligible Expenses Report for a payment of \$66,000 from the Customer Representation Sub-Fund.

11 After considering the requirements set forth in Sections 7.1, 7.3, and 7.7 of the Revised Agreement, we determine that AWEC’s request for payment of \$66,000 should be approved and that it should be assessed against industrial customers. AWEC investigated and participated in multiple issues in this proceeding. AWEC submitted a timely Request for Payment. It describes its attorney fees, consultant fees, and costs in sufficient detail for the Commission to determine that they are reasonable, and it maintains that this time is directly attributable to participating in the case. AWEC’s request represents only a portion of its costs for participating in this proceeding.

12 Because AWEC is concerned with representing industrial customers, these participatory funding costs should be assigned proportionally between electric and natural gas customers based on total billed revenue, and only allocated to and recovered from the industrial customer class.

⁶ Revised Agreement § 7.1.

⁷ Revised Agreement § 7.3. *See also* Revised Agreement § 9.3 (providing that the Commission will require a participating utility to pay eligible expenses incurred under an approved fund grant that was awarded before the date of the termination of the Interim Agreement).

- 13 **TEP.** On April 4, 2024, TEP filed a Request for Payment of Fund Grant, requesting a payment of \$50,000 from the Customer Representation Sub-Fund.
- 14 After considering the requirements set forth in Sections 7.1, 7.3, and 7.7 of the Revised Agreement, we determine that TEP's request for payment of \$50,000 should be approved and that it should be assessed against residential customers. TEP investigated and addressed several issues pertaining to low-income customers. It only requests payment for a portion of its attorneys' time and for reasonable expert witness fees. TEP's costs appear reasonable, and it maintains that these costs are directly attributable to participating in this proceeding.
- 15 Because TEP focuses on issues affecting low-income customers, these costs should be assigned proportionally between electric and natural gas customers based on total billed revenue, and it is appropriate to assess TEP's costs against the residential customer class.
- 16 PacifiCorp must pay the above Requests for Payment as directed within 30 days of the entry of this Order.⁸

ORDER

THE COMMISSION ORDERS:

- 17 (1) The Alliance of Western Energy Consumer's Request for Payment from the Customer Representation Sub-Fund in the amount of \$66,000 is APPROVED.
- 18 (2) The Energy Project's Request for Payment in the amount of \$50,000 from the Customer Representation Sub-Fund is APPROVED.

Dated at Lacey, Washington, and effective May 22, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

⁸ Revised Agreement § 7.8.

DAVID W. DANNER, Chair

ANN E. RENDAHL, Commissioner

MILTON H. DOUMIT, Commissioner