

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of	DOCKET UE-210829
PACIFICORP D/B/A PACIFIC POWER & LIGHT COMPANY'S	ORDER 04
Revised Clean Energy Implementation Plan	GRANTING REQUESTS FOR CASE CERTIFICATION

- 1 **BACKGROUND.** On March 13, 2023, PacifiCorp d/b/a Pacific Power & Light Company (PacifiCorp or Company) filed a Revised Clean Energy Implementation Plan (Revised CEIP). PacifiCorp noted that it updated the Revised CEIP consistent with Order 06 in Docket UE-220376. On March 16, 2023, Commission staff (Staff) filed a letter in this Docket. Staff submits that the Revised CEIP complies with the terms of the agreement reached in Docket UE-220376, and requested that the Commission schedule a prehearing conference in this proceeding.
- 2 The Commission convened a virtual prehearing conference on May 5, 2023, before Administrative Law Judge Michael Howard.
- 3 On May 18, 2023, the Commission entered Order 04, Prehearing Conference Order and Notice of Hearing (Order 04). The Commission granted petitions to intervene from the Alliance of Western Energy Consumers (AWEC), The Energy Project (TEP), NW Energy Coalition (NVEC), and Sierra Club, and the Commission noticed an evidentiary hearing for February 13, 2024, at 9:00 a.m., continuing if needed to February 14, 2024. 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 May 26, 2023. The Commission required that any proposed budgets be filed by June 9, 2023.
- 4 Earlier on May 25 2022, AWEC filed a Petition for Case Certification and Notice of Intent to Request a Fund Grant (AWEC's Request for Case Certification). AWEC's Request for Case Certification) is discussed in more detail below.
- 5 On May 17, 2023, TEP filed a Request for Case Certification and Notice of Intent to Seek Fund Grant (TEP's Request for Case Certification).

- 6 On May 25, 2023, NWECC filed a Request for Case Certification and Notice of Intent to Seek Fund Grant (NWECC's Request for Case Certification).

DISCUSSION

- 7 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
- 8 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
- 9 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
- 10 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

¹ RCW 80.28.430(2).

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.*

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

11 On February 9, 2023, the Commission entered Order 02, Approving Agreement Subject to Condition, Requiring Refiling of Modified Agreement.⁷ The Commission approved the Revised Agreement submitted by the parties (Revised Agreement), subject to the removal of paragraph 7.9, which authorized deferred accounting treatment.⁸ The Commission also clarified that it was not bound by the timelines set forth in the Revised Agreement.⁹

12 As relevant here, the Revised Agreement carried forward the same requirements for case certification.¹⁰

13 This proceeding is an adjudicated CEIP, and it is properly considered a “regulatory proceeding” within the meaning of the statute, which is appropriate for participatory funding.¹¹ We next address each Request for Case Certification and Notice of Intent to Seek Funding.

14 **AWEC.** AWEC 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 industrial 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 AWEC in making this statement.¹²

15 AWEC also demonstrates that it can effectively represent the particular customers it seeks to represent. AWEC routinely appears before the Commission, participates in settlements, and offers testimony at evidentiary hearings without causing undue delays.¹³ We agree that the public interest is served by AWEC's participation and that AWEC establishes it

⁶ Interim Agreement § 5.2.

⁷ *In the Matter of the Petition of Puget Sound Energy, et al.*, Docket U-210595 Order 02 (February 9, 2023).

⁸ *Id.* ¶ 20.

⁹ *Id.* ¶ 21.

¹⁰ Revised Agreement § 5.2.

¹¹ See Policy Statement ¶ 33 (interpreting the term “regulatory proceeding” broadly). See also Interim Agreement § 1(c) (defining “Eligible Proceeding”).

¹² Policy Statement ¶ 18.

¹³ AWEC's Request for Case Certification ¶¶ 9-11.

will not unduly delay the proceeding. We therefore grant AWEC's Request for Case Certification.

- 16 We also find that AWEC has properly filed a Notice of Intent to seek funding, stating that the organization intends to seek funds from PacifiCorp's Customer Representation Sub-fund.
- 17 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, the Commission notes that AWEC filed its Proposed Budget contemporaneously with its Request for Case Certification. If AWEC wishes to submit an amended Proposed Budget given the passage of time, it is free to do so before the June 9, 2023 deadline, but it is not required to do so.
- 18 **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.¹⁴
- 19 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.¹⁵ 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.
- 20 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.
- 21 The Commission recognizes that TEP also filed its Proposed Budget contemporaneously with its Request for Case Certification, but the Commission will not address any funding proposals until after the deadline for submitting proposed budgets.

¹⁴ Policy Statement ¶ 18.

¹⁵ TEP's Request for Case Certification ¶ 4(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).

- 22 **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.¹⁶ The Commission specifically agreed with NWEC’s comments that an organization representing specific customers may implicate broader public interests.¹⁷ We find that NWEC meets this standard. NWEC has appeared before the Commission on numerous occasions.¹⁸ The Commission granted NWEC case certification in PacifiCorp’s pending general rate case.¹⁹
- 23 NWEC demonstrates that it can effectively represent the particular customers it seeks to represent. NWEC routinely appears before the Commission without causing undue delays.²⁰ We agree that the public interest is served by NWEC’s participation. We therefore grant NWEC’s Request for Case Certification.
- 24 We also find that NWEC 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.
- 25 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, NWEC and the other case-certified parties should be aware that funds in the Customer Representation Sub-Fund are relatively limited and that the Commission is required by statute to prioritize organizations representing vulnerable populations and highly impacted communities.

ORDER

THE COMMISSION ORDERS:

- 26 (1) The Alliance of Western Energy Consumer’s Request for Case Certification is GRANTED.
- 27 (2) The Energy Project’s Request for Case Certification is GRANTED.

¹⁶ Policy Statement ¶ 28.

¹⁷ *Id.*

¹⁸ NWEC’s Petition at 2.

¹⁹ See *WUTC v. PacifiCorp d/b/a Pacific Power & Light*, Dockets UE-230172 & UE-210852, Order 04/02 (May 25, 2023) (granting requests for case certification from NWEC and other parties).

²⁰ See NWEC’s Request for Case Certification ¶¶ 3-4.

28 (3) NW Energy Coalition's Request for Case Certification is GRANTED.

Dated at Lacey, Washington, and effective June 5, 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.