

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of	DOCKET UE-210829
PACIFICORP D/B/A PACIFIC POWER & LIGHT COMPANY’S	ORDER 05
Revised Clean Energy Implementation Plan	APPROVING PROPOSED BUDGETS AND FUND GRANTS

- 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 submitted 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 (NWEC), and Sierra Club, and noticed an evidentiary hearing for February 13, 2024, at 9 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 Proposed Budget (AWEC’s Proposed Budget) contemporaneously with a Petition for Case Certification and Notice of Intent to Request a Fund Grant. AWEC requested a total fund grant of \$10,000.

- 5 On May 17, 2023, TEP filed a Proposed Budget (TEPs Proposed Budget) contemporaneously with a Request for Case Certification and Notice of Intent to Seek Fund Grant. TEP requested a total fund grant of \$24,905.
- 6 On May 25, 2023, NWEC filed a Request for Case Certification and Notice of Intent to Seek Fund Grant.
- 7 On June 5, 2023, the Commission entered Order 05, Granting Requests for Case Certification. The Commission granted AWEC’s, TEP’s, and NWEC’s requests for case certification.
- 8 On June 9, 2023, NWEC filed a Proposed Budget (NWEC’s Proposed Budget) requesting a total fund grant of \$15,000.

DISCUSSION

- 9 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
- 10 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 The Commission indicated that the Policy Statement was an evolving document, saying “as we implement the first round of funding arrangements, we look forward to what we expect will be many lessons learned. These lessons will inform future iterations of Washington’s participatory funding program, including the possibility of a rulemaking to codify best practices into Commission rules.”⁴

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 *Id.* ¶ 17.

- 11 On February 24, 2022, the Commission issued Order 01, Approving Agreement with Modifications (Order 01).⁵ The Commission approved the Interim Agreement filed by the parties on February 14, 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.⁶
- 12 In relevant part, Interim Agreement requires that Proposed Budgets include a statement of the work to be performed, a description of the general areas to be investigated, an identification of the specific sub-fund at issue, and a budget showing any estimated attorney fees or consultant fees.⁷ If the Commission receives one or more Proposed Budgets, it will “determine the amount, if any, of Fund Grants that will be made available . . .”⁸ The Commission may make this determination based on the following factors: “(a) the breadth and complexity of the issues; (b) the significance of any policy issues; (c) the procedural schedule; (d) the dollar magnitude of the issues at stake; (e) the participation of other parties that adequately represent the interests of customers; (f) the amount of funds being provided by the applicant intervenor, if any; (g) the qualifications of the party and experience before the Commission; (h) the level of available funds in the Fund account or accounts involved; (i) other Eligible Proceedings for Funds in which stakeholders may seek additional Fund Grants from the same Sub-Fund; or (j) any other factors the Commission deems relevant.”⁹ The Commission may reject, in whole or in part, a request for Fund Grant based on these factors.¹⁰ The Commission may place reasonable conditions on Fund Grants, and it may amend Fund Grants on a prospective basis.¹¹
- 13 On February 9, 2023, the Commission entered Order 02, Approving Agreement Subject to Condition, Requiring Refiling of Modified Agreement.¹² The Commission approved the Revised Agreement submitted by the parties (Revised Agreement), subject to the removal

⁵ *In the Matter of the Petition of Puget Sound Energy, et al.*, Docket U-210595 Order 01 (February 24, 2022).

⁶ *Id.*

⁷ Interim Agreement § 6.5.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *In the Matter of the Petition of Puget Sound Energy, et al.*, Docket U-210595, Order 02 (February 9, 2023).

of paragraph 7.9, which authorized deferred accounting treatment.¹³ The Commission also clarified that it was not bound by the timelines set forth in the Revised Agreement.¹⁴

- 14 As relevant here, the Revised Agreement carried forward the same requirements for proposed budgets and the Commission’s evaluation of proposed budgets and fund grants.¹⁵
- 15 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.¹⁶ We next address each Proposed Budget and Fund Grant.
- 16 **AWEC.** On May 25, 2022, AWEC filed a Proposed Budget and requested a Fund Grant of \$10,000 from the Customer Representation Sub-Fund to partially offset the costs of its participation. AWEC explains that it will review PacifiCorp’s CEIP, attend workshops and open meetings, and provide expert witness testimony and briefs if the matter is adjudicated. AWEC estimated a total of \$6,050 for attorney fees, \$900 for paralegal fees, \$2,900 for expert witness fees, and \$150 for travel, printing, and postage.
- 17 We approve AWEC’s Proposed Budget and its request for a \$10,000 Fund Grant. We refer to the same factors set forth in Section 6.5 of the Interim Agreement. AWEC submits that it will bear the costs of its participation if the CEIP remains uncontested. Although the CEIP is now being adjudicated, AWEC has not filed a new Proposed Budget seeking additional funds. AWEC is an “incumbent” organization, with a history of appearing before the Commission,¹⁷ and it intends to investigate all aspects of the Company’s filing. Finally, no other party focuses on the interests of industrial customers. AWEC’s presentation is not merely cumulative of other parties.
- 18 The Commission should approve AWEC’s request for a \$10,000 Fund Grant given the breadth and complexity of the issues being investigated, the funds contributed by the organization, the organization’s history before the Commission, and its expertise in representing industrial customers.

¹³ *Id.* ¶ 20.

¹⁴ *Id.* ¶ 21.

¹⁵ Revised Agreement §§ 6.3, 6.5.

¹⁶ *See* Policy Statement ¶ 33 (interpreting the term “regulatory proceeding” broadly). *See also* Interim Agreement § 1(c) (defining “Eligible Proceeding”).

¹⁷ Policy Statement ¶ 18.

- 19 **TEP.** On May 17, 2023, TEP filed a Proposed Budget to partially offset the costs of its participation. TEP noted that it may investigate customer benefit indicators and other issues that have an impact on low-income customers. It requested a fund grant of \$8,905 for work performed in this Docket in 2022 from the Company’s Customer Representation Sub-Fund, which reflects \$2,850 in attorney fees and \$6,055 in expert consultant/expert witness fees. TEP requests a fund grant of \$16,000 for work performed in this Docket in 2023, which reflects \$13,000 in attorney fees and \$3,000 in expert consultant/expert witness fees.
- 20 After considering the various factors set forth in Section 6.5 of the Interim Agreement, we approve TEP’s Proposed Budget and Fund Grant totaling \$24,905, reflecting the sum of \$8,905 and \$16,000. TEP’s Fund Grant only seeks to partially offset its costs of participation. TEP is an “incumbent” organization with a history of appearing before the Commission,¹⁸ and it seeks to investigate a number of issues in the Company’s CEIP that affect low-income customers.
- 21 The Commission should grant TEP’s request for a \$24,905 Fund Grant given the funds contributed by the organization itself, the breadth and complexity of the issues being investigated, the organization’s qualifications, its history before the Commission, and the organization’s unique expertise in low-income issues. Pursuant to Section 7.3 of the Revised Agreement, eligible expenses may include costs incurred prior to the effective date of the Revised Agreement.
- 22 **NWEC.** June 9, 2023, NWEC filed a Proposed Budget. NWEC requested a Fund Grant of \$15,000 from the Customer Representation Sub-Fund to partially offset the costs of its participation. NWEC plans to investigate several issues impacting clean energy issues, distribution system investment, and low- to moderate-income customers. NWEC requests \$3,000 for eligible expenses in 2022, which reflects the time of its Policy Director and a Senior Policy Associate. NWEC requests \$12,000 for eligible expenses in 2023, reflecting the time of its Policy Director and a Senior Policy Associate. NWEC does not request any fees for outside counsel.
- 23 We grant NWEC’s Proposed Budget and its request for a \$15,000 Fund Grant. Much like TEP and AWEC, NWEC only requests a portion of its costs for participating in this proceeding. NWEC has a history of appearing before the Commission, and it intends to investigate a number of complex issues in this proceeding.

¹⁸ Policy Statement ¶ 18.

24 Given all of these factors, it is appropriate to grant NWEC's request.

ORDER

THE COMMISSION ORDERS:

- 25 (1) The Alliance of Western Energy Consumer's Proposed Budget and Fund Grant is APPROVED in the amount of \$10,000.
- 26 (2) The Energy Project's Proposed Budget and Fund Grant is APPROVED in the amount of \$24,905.
- 27 (3) NW Energy Coalition's Proposed Budget and Fund Grant is APPROVED in the amount of \$15,000.

Dated at Lacey, Washington, and effective June 22, 2023.

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.