

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of	DOCKET UE-210829
PACIFICORP D/B/A PACIFIC POWER & LIGHT COMPANY’S	ORDER 07
Revised Clean Energy Implementation Plan	APPROVING PAYMENT

BACKGROUND

- 1 On October 25, 2023, the Washington Utilities and Transportation Commission (Commission) entered Final Order 06, Approving and Adopting Settlement Agreement, Approving CEIP Subject to Conditions. The Commission approved a multiparty settlement agreement that resolved all outstanding issues with regards to the Revised Clean Energy Implementation Plan filed by PacifiCorp d/b/a Pacific Power & Light Company (PacifiCorp or Company).
- 2 On October 31, 2023, The Energy Project (TEP) filed a Request for Payment (Request for Payment). TEP requests a total payment in the amount of \$24,905, the same amount as the organization’s approved budget in this proceeding. TEP requests that \$8,905 of its request for payment is allocated to PacifiCorp’s 2022 Customer Representation Sub-Fund and that \$16,000 is allocated to PacifiCorp’s 2023 Customer Representation Sub-Fund. TEP’s Request for Payment is discussed in greater detail below.

DISCUSSION

- 3 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

¹ RCW 80.28.430(2).

- 4 On November 19, 2021, the Commission issued a Policy Statement on Participatory Funding for Regulatory Proceedings (Policy Statement) in Docket U-210595.² 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
- 5 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 The Commission also determined that of the amount authorized for funding, fully one third would be dedicated to organizations representing highly impacted communities and vulnerable populations.⁶
- 6 Pursuant to the Interim Agreement, participating organizations must submit to the Commission a Request for Payment. 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;
 - (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

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 *Id.* ¶ 17.

⁶ *Id.* ¶ 4.

because the Participating Organization does not intend to request payment for the full approved budget amount.”⁷

- 7 The Commission may disallow, in whole or in part, a Request for Payment if it determines that the request seeks reimbursement for (a) expenses that are not Eligible Expenses,⁸ or (b) expenses that are inconsistent with the Participating Organization’s Consumer Access Fund Grant or any conditions placed on the Consumer Access Fund Grant.⁹ Upon authorization of payment, the Commission will make a determination on how to recover the Fund Grants from the various customer classes of the affected Participating Public Utility.¹⁰ Additionally, the Commission may determine whether Fund Grants that were used to advocate positions on behalf of a broad cross-section of customers should be assessed against all customers or multiple classes of customers, to fairly align the costs of the advocacy with the intended potential beneficiaries of the advocacy.
- 8 On February 9, 2023, the Commission entered Order 02, Approving Agreement Subject to Condition, Requiring Refiling of Modified Agreement (Order 02).¹¹ The Commission approved the Revised Agreement submitted by the parties, subject to the removal of paragraph 7.9, which authorized deferred accounting treatment.¹² The Commission also clarified that it was not bound by the timelines set forth in the Revised Agreement.¹³
- 9 As relevant here, the Revised Agreement carried forward the same requirements for requests for payments of fund grants.¹⁴ It also makes clear that “[e]ligible expenses” may include costs for eligible proceedings incurred prior to the approval of the Revised Agreement.¹⁵

⁷ Interim Agreement § 7.1.

⁸ Interim Agreement § 7.3.

⁹ Interim Agreement § 7.6.

¹⁰ Interim Agreement § 7.7.

¹¹ *In the Matter of the Petition of Puget Sound Energy, et al.*, Docket U-210595 Order 02 (February 9, 2023).

¹² *Id.* ¶ 20.

¹³ *Id.* ¶ 21.

¹⁴ Revised Agreement § 7.1.

¹⁵ Revised Agreement § 7.3. *See also* Interim 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).

- 10 In this case, TEP filed a Request for Payment of Fund Grant, requesting a payment of \$24,905 allocated between PacifiCorp's 2022 and 2023 Customer Representation Sub-Funds as noted in paragraph 2 of this Order.
- 11 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 \$24,905 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. It does not request payment for in-house staff time, other fees, or other costs. TEP's costs appear reasonable, and it maintains that these costs are directly attributable to participating in this proceeding.
- 12 Because TEP focuses on issues affecting low-income customers, it is appropriate to assess TEP's costs against the residential customer class. TEP's Request for Payment should be allocated between the Company's 2022 and 2023 Customer Representation Sub-Funds as noted above in paragraph 2 of this Order.
- 13 PacifiCorp must pay the above Requests for Payment as directed within 30 days of the entry of this Order.¹⁶
- 14 The Commission recognizes that the deadline for filing requests for payments has not yet passed and that pursuant to the Revised Agreement other intervenors with approved Proposed Budgets have additional time to file any such requests.

ORDER

THE COMMISSION ORDERS:

- 15 (1) The Energy Project's Request for Payment from the Customer Representation Sub-Fund is APPROVED in the amount of \$24,905.

Dated at Lacey, Washington, and effective November 30, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Michael Howard
MICHAEL HOWARD
Administrative Law Judge

¹⁶ Revised Agreement § 7.8.

**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.**