

BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of) DOCKET UE-210829
)
PACIFICORP d/b/a PACIFIC POWER &) PROPOSED BUDGET OF THE
LIGHT COMPANY,) ALLIANCE OF WESTERN ENERGY
) CONSUMERS
Revised Clean Energy Implementation Plan.)
)
_____)

1 Pursuant to the Washington Extended Interim Participatory Funding Agreement (“Funding Agreement”), approved by the Washington Utilities and Transportation Commission (“WUTC” or “Commission”) in Order 02 in Docket No. U-210595, the Alliance of Western Energy Consumers (“AWEC”) hereby submits its proposed budget in the above-captioned proceeding.

2 On November 1, 2023, PacifiCorp d/b/a Pacific Power & Light Company (“PacifiCorp” or the “Company”) filed its 2024-2025 Biennial Clean Energy Implementation Plan Update (“Biennial Update”) in docket UE-210829, as required by the Commission’s rules implementing the Clean Energy Transformation Act (“CETA”).

3 At its March 25, 2024 Open Meeting, the Commission suspended this matter and set it for adjudication.¹

¹ Docket UE-210829, Order 9 (Mar. 25, 2024).

4 Docket UE-210829 is an Eligible Proceedings for Fund Grant under Article 1(c)
of the Funding Agreement. Accordingly, a Fund Grant may be made for this proceeding under
the Funding Agreement.

5 On May 25, 2022, as required by Article 6.2 of the IPFA, AWEC filed its Request
for Case Certification and Notice of Intent to Request a Fund Grant, which was also served on
PacifiCorp and all parties of record in the Proceeding.

6 On June 5, 2023, the Commission granted AWEC’s Request for Case
Certification, finding that AWEC demonstrated it is a non-profit organization that represents
broad customer interests,² that “it can effectively represent the particular customers it seeks to
represent,”³ and that “the public interest is served by AWEC’s participation and [] no other party
adequately represents the interests of industrial customers.”⁴ In its Order 11, in this proceeding,
the Commission affirmed that “in a proceeding with multiple phases such as this one, a grant of
case certification encompasses the entire proceeding.”⁵

7 Pursuant to Article 6.3 of the Funding Agreement, AWEC files this Proposed
Budget in this case for a PacifiCorp Customer Representation Sub-Fund grant in the amount of
\$36,000. The following information is provided in accordance with Articles 6.3 and 6.6 of the
Funding Agreement.

8 **Statement of work to be performed by AWEC for which AWEC is seeking a
Fund Grant.** AWEC has retained Davison Van Cleve, P.C. to represent it in this Docket.

² Docket UE-210829, Order 4 at ¶ 14 (Jun. 5, 2022).

³ *Id.* at ¶ 15.

⁴ *Id.*

⁵ Docket UE-210829, Order 11 at ¶ 22 (XXX).

AWEC will attend all workshops, public meetings, oral presentations and hearings. AWEC will also conduct discovery in this proceeding. In addition, AWEC will submit expert witness testimony and briefs as called for by the procedural schedule in this case.

9 **Description of the general areas to be investigated by AWEC.** AWEC intends to investigate all economic and policy aspects of PacifiCorp’s filing. AWEC intends to primarily focus on PacifiCorp’s interim targets and to respond to issues raised by other participants in this proceeding.

10 **Identification of the specific Sub-Fund from which AWEC is seeking a Fund Grant and an estimate of the amount of available funds in that account, if known.** AWEC is seeking a Fund Grant from the 2024 PacifiCorp Customer Representation Sub-Fund, which currently has a balance of \$170,000 to AWEC’s understanding.

11 **A budget showing estimated attorney fees, which may include the cost for appropriate support staff and operational support.** AWEC’s proposed budget, setting forth estimated attorney fees, support staff costs and operational support costs, appears in Exhibit A.

12 **A budget showing estimated consultant fees and expert witness fees, which may include the cost for appropriate support staff and operational support.** AWEC’s proposed budget, setting forth consultant fees and expert witness fees, is also included in Exhibit A.

13 **Cooperative Efforts.** In accordance with Article 6.6 of the Funding Agreement, AWEC coordinated with other organizations that have sought a Fund Grant from the PacifiCorp Customer Representation Sub-Fund, namely The Energy Project, and the NW Energy Coalition.

As of the date of this filing, neither organization indicated its opposition to AWEC's proposed budget.

14 **Additional Considerations.** Article 6.5 of the Funding Agreement sets forth several factors that the Commission may consider when making a determination on budget requests. In aid of the Commission's decision, AWEC provides the following information:

- a. The complexity of issues in this proceeding are significant. PacifiCorp's CEIPs, and related updates, are important planning documents, serving as a basis for utility compliance with Washington State's Clean Energy Transformation Act. As part of the process, interim targets, Customer Benefit Indicators and anticipated costs must be determined. PacifiCorp's Biennial CEIP in particular raises significant issues related to interim targets for meeting CETA requirements in the face of its decision not to acquire resources pursuant to its now canceled all-source RFP. While the CEIP is a planning document, it is the basis for utility actions that will have rate impacts on PacifiCorp's customers, including its largest customers.
- b. The discussion at the Commission XX Open Meeting that resulted in adjudication of PacifiCorp's Biennial Update make clear that there are a number of policy issues to be evaluated, including the treatment of interim targets. The procedural schedule in this case assumes a fully litigated case, which requires discovery, pre-filed written testimony, workshops and settlement conferences, as well as a

hearing, briefing and any other events the Commission may deem appropriate. As such, AWEC's participation will be extensive.

- c. As noted above, the Commission has set a procedural schedule in this matter that will require significant resources in order for AWEC to participate.
- d. The dollar magnitude for the cost of compliance varies by scenario and from year to year over the term of the plan, and may significantly change if PacifiCorp agrees or is required to amend its interim targets based on other parties' recommendations, at least some of which likely include proposals for a more aggressive resource acquisition strategy. The investment decisions made pursuant to the plan represent long-term costs for customers that, if incurred and approved for cost recovery, will be in rates for years to come.
- e. The Commission has previously recognized AWEC as an "incumbent" organization with a history of representing industrial customers' interests before the Commission,⁶ and determined that "no other party adequately represents the interests of industrial customers."⁷
- f. AWEC anticipates that its costs will exceed its budget request in this case, assuming a fully litigated proceeding. To the extent that AWEC's costs are greater than Fund Grant amounts, AWEC will bear the costs of its participation. AWEC notes that, as shown in Exhibit A, its proposed budget in this case is much

⁶ Dockets UE-230172 and UE-210852, Order 04/02 at ¶ 12 (May 25, 2023).

⁷ *Id.* at ¶ 13.

less than the anticipated costs associated with its participation in a fully litigated proceeding.

- g. AWEC represents the interests of large energy consumers and has significant experience participating in Commission proceedings involving the Commission and PacifiCorp. In addition, AWEC has participated prior phases of this proceeding. Thus, AWEC possesses significant interest and expertise with respect to this proceeding. AWEC's participation will benefit all PacifiCorp industrial and large non-residential customers.
- h. The level of available funds in the PacifiCorp Customer Representation Sub-Fund for 2024 is \$170,000. As such, AWEC's request is within the limits of available funding.
- i. To the best of AWEC's knowledge, there are ample funds available in the PacifiCorp Customer Representation Sub-Fund in 2024 to accommodate its request in this case, as well as the requests of other intervenors with which AWEC coordinated in advance of this filing.

Therefore, AWEC respectfully requests that the Commission issue an order granting a Fund Grant in the amount specified above.

Dated this 23rd day of May, 2024.

Respectfully submitted,

DAVISON VAN CLEVE, P.C.

/s/ Sommer J. Moser

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Attorney for the Alliance of Western Energy Consumers

UE-210829

Exhibit A

AWEC Proposed Budget for Fund Grant

Personnel	Hours	Rate	Cost
<i>Attorney Fees</i>			
Partner	65	\$325	\$21,125
Junior Attorney	46	\$275	\$12,650
Paralegal / Law Clerk	30	\$200	\$6,000
<i>Expert Witness Fees</i>			
Expert	41	\$244	\$10,004
<i>Other Expenses</i>			
Travel			\$150
Printing and Postage			\$71
Subtotal			\$50,000

**Total AWEC Request for
PacifiCorp Customer
Representation Sub-Fund
Grant** **\$36,000**

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