

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of

PACIFICORP D/B/A PACIFIC POWER
& LIGHT COMPANY'S

Revised Clean Energy Implementation
Plan

DOCKET UE-210829

ORDER 13

GRANTING REQUEST FOR CASE
CERTIFICATION

- 1 **BACKGROUND.** On November 1, 2023, PacifiCorp d/b/a Pacific Power & Light Company (PacifiCorp or Company) filed a 2024-2025 Biennial Clean Energy Implementation Plan Update (Biennial Update). The Biennial Update is required by Commission rules implementing the Clean Energy Transformation Act (CETA).¹ On January 11, 2024, Commission staff (Staff) and other interested parties filed comments in response to the Biennial Update, recommending that approval of the Biennial Update be subject to conditions.
- 2 The Commission convened a virtual prehearing conference on April 23, 2024, before Administrative Law Judge Paige Doyle.
- 3 Also on April 23, 2024, the Columbia River Inter-Tribal Fish Commission (CRITFC) filed a Request for Case Certification and Notice of Intent to Request a Fund Grant (CRITFC Request).
- 4 On May 3, 2024, the Commission entered Order 11, Prehearing Conference Order and Notice of Hearing (Order 11). The Commission, among other things, granted the petition to intervene from CRITFC. The Commission required that any proposed budgets be filed by May 23, 2024.

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

¹ See WAC 480-109-120(1).

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.²

- 6 On November 19, 2021, the Commission issued a Policy Statement on Participatory Funding for Regulatory Proceedings (Policy Statement).³ 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.”⁴
- 7 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 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.⁶
- 8 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 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.⁷
- 9 On February 9, 2023, the Commission entered Order 02, Approving Agreement Subject to Condition, Requiring Refiling of Modified Agreement.⁸ The Commission approved the Revised Agreement submitted by the parties (Revised Agreement), subject to the removal

² RCW 80.28.430(2).

³ *In the Matter of the Commission's Examination of Participatory Funding Provisions for Regulatory Proceedings*, Docket U-210595 (November 19, 2021).

⁴ *Id.* ¶ 3.

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

⁶ *E.g., Id.*

⁷ Interim Agreement § 5.2.

⁸ *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.⁹ The Commission also clarified that it was not bound by the timelines set forth in the Revised Agreement.¹⁰

10 As relevant here, the Revised Agreement carried forward the same requirements for case certification.¹¹

11 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.¹²

12 CRITFC 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 vulnerable populations.

13 CRITFC demonstrates that it can effectively represent the particular customers it seeks to represent. In its Request, CRITFC credibly states that it has been delegated by its member tribal communities to address the needs of those communities, Columbia River salmon, and the fishery interests of the Columbia River treaty tribes through regulatory energy proceedings such as this one. These are broad customer interests impacting vulnerable populations. CRITFC has demonstrated that its participation is in the public interest and will not unduly delay the proceeding. We therefore grant CRITFC’s Request for Case Certification.

14 We also find that CRITFC has properly filed a Notice of Intent to seek funding, stating that the organization intends to seek funds from PacifiCorp’s Prioritized Organization Sub-fund.

15 The Commission notes that CRITFC timely filed its Proposed Budget, which will be addressed in a subsequent order along with the proposed budgets filed by other parties.

⁹ *Id.* ¶ 20.

¹⁰ *Id.* ¶ 21.

¹¹ Revised Agreement § 5.2.

¹² *See* Policy Statement ¶ 33 (interpreting the term “regulatory proceeding” broadly). *See also* Interim Agreement § 1(c) (defining “Eligible Proceeding”).

ORDER

THE COMMISSION ORDERS:

- 16 (1) The Columbia River Inter-Tribal Fish Commission's Request for Case Certification is GRANTED.

Dated at Lacey, Washington, and effective June 4, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Paige Doyle

PAIGE DOYLE

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.