

**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 14

APPROVING PROPOSED
BUDGETS AND FUND GRANTS

- 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 On May 3, 2024, the Commission entered Order 11, Prehearing Conference Order and Notice of Hearing (Order 11). The Commission granted the petition to intervene from the Columbia River Inter-Tribal Fish Commission (CRITFC) and acknowledged that the Alliance of Western Energy Consumers (AWEC), The Energy Project (TEP), NW Energy Coalition (NVEC), and Sierra Club had all previously been granted intervention in this docket. Additionally, Order 11 noted that AWEC, TEP, and NVEC had all previously been granted case certification. The Commission required that any proposed budgets be filed by May 23, 2024.
- 4 On May 23, 2024, AWEC, TEP, CRITFC, and NVEC filed Proposed Budgets. AWEC requests a total fund grant of \$36,000. TEP requests a total fund grant of \$25,000. CRITFC requests a total fund grant of \$27,400. NVEC is not seeking additional funds but

¹ See WAC 480-109-120(1).

is seeking to shift funds from its approved 2023 budget to its proposed 2024 budget and to reallocate the funds from staffing to legal fees.

- 5 On June 4, 2024, the Commission granted CRITFC’s request for case certification by Order 13 in this docket.

DISCUSSION

- 6 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.²
- 7 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 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.”⁵
- 8 On February 24, 2022, the Commission issued Order 01, Approving Agreement with Modifications (Order 01).⁶ The Commission approved the Interim Agreement filed by the parties on February 14, 2022, subject to certain modifications, and adopted the Interim

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 *Id.* ¶ 17.

⁶ *In the Matter of the Petition of Puget Sound Energy, et al.*, Docket U-210595 Order 01 (February 24, 2022).

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.⁷

- 9 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.⁸ If the Commission receives one or more Proposed Budgets, it will “determine the amount, if any, of Fund Grants that will be made available”⁹ 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.”¹⁰ The Commission may reject, in whole or in part, a request for Fund Grant based on these factors.¹¹ The Commission may place reasonable conditions on Fund Grants, and it may amend Fund Grants on a prospective basis.¹²
- 10 On February 9, 2023, the Commission entered Order 02, Approving Agreement Subject to Condition, Requiring Refiling of Modified Agreement.¹³ 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.¹⁴ The Commission also clarified that it was not bound by the timelines set forth in the Revised Agreement.¹⁵

⁷ *Id.*

⁸ Interim Agreement § 6.5.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *In the Matter of the Petition of Puget Sound Energy, et al.*, Docket U-210595, Order 02 (February 9, 2023).

¹⁴ *Id.* ¶ 20.

¹⁵ *Id.* ¶ 21.

- 11 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.¹⁶
- 12 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.¹⁷ We next address each proposed budget and fund grant.
- 13 **AWEC.** On May 23, 2024, AWEC filed a proposed budget and requested a fund grant of \$36,000 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, provide expert witness testimony and briefs if the matter is adjudicated, and conduct discovery. AWEC estimated a total cost of \$50,000 (\$33,775 for attorney fees, \$6,000 for paralegal fees, \$10,004 for expert witness fees, and \$221 for travel, printing, and postage), but is seeking a fund grant to cover only \$36,000 of its estimated costs.
- 14 We approve AWEC’s proposed budget and its request for a \$36,000 Fund Grant. We refer to the same factors set forth in Section 6.5 of the Interim Agreement. AWEC is an “incumbent” organization, with a history of appearing before the Commission,¹⁸ 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.
- 15 The Commission should approve AWEC’s request for a \$36,000 fund grant given the funds contributed by the organization itself, 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.
- 16 **TEP.** On May 23, 2024, TEP filed a proposed budget and fund grant of \$25,000 from the Customer Representation Sub-Fund to partially offset the costs of its participation. TEP noted that it intends to investigate customer benefit indicators and other issues that have an impact on low-income and vulnerable customers. It requested a fund grant of \$25,000 for work performed in this Docket in 2024 from the Company’s Customer Representation

¹⁶ Revised Agreement §§ 6.3, 6.5.

¹⁷ See Policy Statement ¶ 33 (interpreting the term “regulatory proceeding” broadly). See also Interim Agreement § 1(c) (defining “Eligible Proceeding”).

¹⁸ Policy Statement ¶ 18.

Sub-Fund, which reflects \$20,000 in attorney fees and \$5,000 in expert consultant/expert witness fees.

- 17 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 \$25,000. 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,¹⁹ and it seeks to investigate a number of issues in the Company's CEIP that affect low-income customers.
- 18 The Commission should grant TEP's request for a \$25,000 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 and vulnerable population issues.
- 19 **NWEC.** On May 23, 2024, NWEC filed a proposed budget. NWEC does not request any additional funds in its proposed budget, but rather seeks to shift funds from its approved 2023 budget to its proposed 2024 budget and to reallocate those funds from staffing to legal fees.²⁰ NWEC plans to review the Revised CEIP; review, prepare, and file testimony and discovery; participate in settlement conferences; and participate at the evidentiary hearing. NWEC requests that \$5,000 of the approved fund grant from the 2023 fund be reallocated to legal fees incurred in 2024.
- 20 We grant NWEC's proposed budget and its request to reallocate funds from its 2023 approved budget to eligible costs in 2024. 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.
- 21 **CRITFC.** On May 23, 2024, CRITFC filed a proposed budget and fund grant to partially offset the costs of its participation. CRITFC noted that it intends to review the revised CEIP Biennial Update; review, prepare and file testimony and discovery; participate in settlement conferences; and any other tasks necessary for complete representation. It requested a fund grant of \$27,400 for work performed in this Docket in 2024 from the Company's Prioritized Organizations Sub-Fund, which reflects \$11,300 for attorney fees, \$12,500 in expert consultant/expert witness fees, and \$1,100 for travel, printing, and postage.

¹⁹ Policy Statement ¶ 18.

²⁰ NWEC's Proposed Budget, ¶ 5.

- 22 After considering the various factors set forth in Section 6.5 of the Interim Agreement, we approve CRITFC's proposed budget and fund grant totaling \$27,400. CRITFC's fund grant only seeks to partially offset its costs of participation. CRITFC seeks to investigate several issues in the Company's CEIP that affect vulnerable tribal communities.
- 23 The Commission should grant CRITFC's request for a \$27,400 fund grant given the funds contributed by the organization itself, the breadth and complexity of the issues being investigated, the organization's qualifications, and the organization's unique expertise in tribal issues.

ORDER

THE COMMISSION ORDERS:

- 24 (1) The Alliance of Western Energy Consumer's proposed budget and fund grant is APPROVED in the amount of \$36,000.
- 25 (2) The Energy Project's proposed budget and fund grant is APPROVED in the amount of \$25,000.
- 26 (3) NW Energy Coalition's proposed budget and request for reallocation of \$5,000 from its 2023 approved fund grant to 2024 costs is APPROVED.
- 27 (4) The Columbia River Inter-Tribal Fish Commission's proposed budget and fund grant is APPROVED in the amount of \$27,400.

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.