

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1586

In the Matter of)	
)	
PACIFICORP, dba PACIFIC POWER)	REQUEST TO ACKNOWLEDGE PAYMENT
)	
Request to Initiate an Investigation of)	
Multi-Jurisdictional Issues and Approve)	
an Inter-Jurisdictional Cost Allocation)	
<u>Protocol.</u>)	

On July 22, 2020, the Oregon Citizens’ Utility Board filed a proposed budget for a CUB MSP Fund Grant. CUB’s proposed budget showed eligible expenses of \$56,249.90, and CUB sought a MSP Fund Grant of \$45,000. On July 30, 2020, Administrative Law Judge Nolan Moser issued Order No. 20-237, approving this budget.

PacifiCorp responded to this order approving a budget in error and sent a check to CUB in the amount of \$45,000. This check was deposited into CUB’s bank account upon receipt. Several months later, CUB noticed this erroneous payment and immediately contacted the Commission and PacifiCorp notifying them of the error.

In email correspondence beginning March 30, 2021, between Mike Goetz, CUB’s General Counsel, and Matt McVee and Etta Lockey, representatives for PacifiCorp, the parties agreed to treat a portion of this payment as payment for work performed in 2020, and the remainder as a prepayment for work to be performed in the future. Attachment A to this request includes this correspondence.

CUB has been tracking its participation in MSP proceedings since then. CUB makes this filing to detail the work that has been performed under this prepayment arrangement since 2020.

Under Section 6.1 of the Agreement, each Issue Fund Grant Request for Payment must:

- (a) Itemize the expenses, payees and hourly rates for amounts to be reimbursed;*
- (b) Demonstrate that the expenses are reasonable and are directly attributable to MSP Activities pursued on behalf of a particular customer class; and*
- (c) Provide information sufficient to show that the Participating Intervenor has complied with any condition or requirement of the MSP Fund Grant, including,*

but not limited to, documentation sufficient to show that the Participating Intervenor has satisfied the matching fund requirement (i) set forth in this Section or (ii) as the Commission may require as a reasonable condition on MSP Fund Grants, whichever applies.

- (a) Confidential Attachment B contains a summary of CUB's expenses in this case. Confidential Attachment C provides a list of CUB activities by date and Intervenor Funding Task Category.
- (b) The expenses incurred are reasonable and directly attributable to the issues and positions CUB addressed MSP negotiations on behalf of residential customers. In support of this assertion, we supply Confidential Attachment B and C, which can be compared to CUB's Issue Fund Budget in this case.
- (c) CUB has satisfied the matching fund requirement as demonstrated in Attachment B, the summary of CUB's expenses.
- (d) This is neither a request for final or partial payment. Rather, this is a request to acknowledge a previous payment.

The attached documents should allow the Commission to track the time spent on the elements of the case, and we believe that this filing meets the requirements of the Commission.

Respectfully submitted,
April 4th, 2023.



Bob Jenks
Executive Director
Oregon Citizens' Utility Board

Enc. Attachment A
Confidential Attachments B and C.

From: [Mike Goetz](#)
To: [Thomas Jerin](#); [Bob Jenks](#)
Subject: Fwd: [INTERNET] MSP Intervenor Funding Issue
Date: Thursday, April 1, 2021 1:20:44 PM

FYI - PAC is OK letting us keep the check as a prepayment and billing our MSP time against it.

Michael P. Goetz
General Counsel



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----- Forwarded message -----

From: **McVee, Matthew (PacifiCorp)** <Matthew.McVee@pacificorp.com>
Date: Thu, Apr 1, 2021 at 12:25 PM
Subject: RE: [INTERNET] MSP Intervenor Funding Issue
To: Goetz, Michael <mike@oregoncub.org>, Lockey, Etta (PacifiCorp) <Etta.Lockey@pacificorp.com>

Mike – We think the first option:

- treat it as a pre-payment for MSP work that we will bill for this year. When we hit the \$45k threshold that the check we cashed represents, we can make a filing that says we are "requesting payment", but the payment was already sent, so we are square.

would be the easiest for all involved. We're checking internally to find out what happened. The guess is the ordering paragraph language was confused, in that it had to "up to" amount of \$45k. Let us know if this creates a problem for CUB.

Matt

From: Mike Goetz <mike@oregoncub.org>
Sent: Tuesday, March 30, 2021 1:01 PM
To: Lockey, Etta (PacifiCorp) <Etta.Lockey@pacificorp.com>
Cc: McVee, Matthew (PacifiCorp) <Matthew.McVee@pacificorp.com>
Subject: Re: [INTERNET] MSP Intervenor Funding Issue

You don't often get email from mike@oregoncub.org. [Learn why this is important](#)

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Great, thanks Etta and Matt!

So, the MSP Issue Fund gives AWEC and CUB \$45k per year to bill time against. Last fall, we received a check for \$45k from PAC, even though we had only filed for a budget in UM 1586 and never filed for payment. We actually billed around \$16k in MSP work last year. Because we were in between office managers, this check was inadvertently cashed. We owe you guys around \$29k for work that we never completed during last year.

However, us and AWEC filed to rollover the outstanding MSP Issue Fund balance in Nov. of last year in UM 1586. That motion was never ruled on, but I just emailed Nolan and imagine it will be granted. Therefore, we will likely be able to use the \$29k that was rolled over from 2020 during this year.

The outstanding question is how to treat the \$29k now. Here are a couple of options I can think of:

- We treat it as a pre-payment for MSP work that we will bill for this year. When we hit the \$45k threshold that the check we cashed represents, we can make a filing that says we are "requesting payment", but the payment was already sent, so we are square.

- We file for payment for the \$16k that we accrued last year, and either send back \$29k (so we are square) or send the entire \$45k back, and then you guys can send us \$16k. This option seems more convoluted, but we support whatever works best for you guys.

Apologies for not catching the mistake when the check was first sent to us. We are unwinding our books to prepare for an upcoming intervenor funding report, and this just came up. Let me know if you guys have any questions. We are happy to proceed however you think would work best.

Mike

Michael P. Goetz
General Counsel

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On Tue, Mar 30, 2021 at 12:42 PM Lockey, Etta (PacifiCorp) <Etta.Lockey@pacificorp.com> wrote:

Mike! Nice to hear from you!

I think Matt should be able to help you out, but feel free to keep me in the loop.

From: Mike Goetz <mike@oregoncub.org>
Sent: Tuesday, March 30, 2021 12:36 PM

To: Lockey, Etta (PacifiCorp) <Etta.Lockey@pacificorp.com>
Subject: [INTERNET] MSP Intervenor Funding Issue

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Hi Etta -

Feels like forever since we've chatted, I hope you are doing well! Congratulations on the new position.

In preparing our annual intervenor funding report, we encountered a little issue regarding the MSP issue fund. Are you the right person to connect with to try to iron it out? Or someone else? Thanks!

Michael P. Goetz
General Counsel

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mike@oregoncub.org
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