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April 17, 2015

Filing Center
Public Utility Commission of Oregon
POB 1088
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RE: OPUC Docket UE 294 Portland General Electric General Rate Case

Attention Filing Center:

Enclosed for filing in the above-referenced docket is Petition of Small Business Utility Advocates for Case Certification and Request for Extension.

Please contact me if you have any questions.

Respectfully,

Diane Henkels
Cleantech Law Partners
Counsel for Small Business Utility
Advocates (SBUA)
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Enclosure

Cc: James Birkelund
Service list

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UE 294

In the Matter of)
)
PORTLAND GENERAL ELECTRIC) PETITION OF SMALL BUSINESS
COMPANY,) UTILITY ADVOCATES FOR CASE
) CERTIFICATION AND REQUEST FOR
Request for General Rate Revision.) EXTENSION
)
)

Pursuant to OAR 860-001-0120, Small Business Utility Advocates ("SBUA") respectfully submits this petition ("Petition") to certify this case for the purposes of receiving intervenor funding to participate in this docket. In the event such Petition be granted, SBUA requests permission to file a proposed budget shortly thereafter. In support of this Petition SBUA represents as follows:

I. Criteria for Certification of Intervenors

Pursuant to Oregon Public Utility Commission Order No. 14-257 entered July 9, 2014 and Oregon Administrative Rule 860-00100120(4), to be case certified for purposes of receiving intervenor funding, an organization must meet certain criteria set forth in the rule. OAR 860-001-0120(4). Specifically, an organization can qualify for certification if "(a) The organization is a nonprofit organization, demonstrates that it is in the process of becoming a non-profit organization, or is comprised of multiple customers of one or more of the utilities that are parties to the agreement and demonstrates that a primary purpose of the organization is to represent broad utility customer interests; (b) The organization represents the interests of a broad class of customers and its participation in the proceedings will be primarily directed

at public utility rates or terms and conditions of service affecting those customers, and not narrow interests or issues that are ancillary to the effect of the rates and terms and conditions of service on those customers; (c) The organization demonstrates that it is able to effectively represent the particular class of customers it seeks to represent; (d) Those members of the organization who are customers of one or more of the utilities that are affected by the proceedings and are parties to the agreement contribute a significant percentage of the overall support and funding of the organization; (e) The organization demonstrates or has demonstrated in past Commission proceedings the ability to substantively contribute to the record on behalf of customer interests related to rates and the terms and conditions of service, including in proceedings in which the organization was case certified and received a grant; (f) The organization demonstrates that: (A) No precertified intervenor participating in the proceedings adequately represents the specific interests of the class of customers represented by the organization; or (B) The specific interests of a class of customers will benefit from the organization's participation; and (g) The organization demonstrates that its request for case certification will not unduly delay the proceedings.”

II. Applicability of Criteria to SBUA

For the reasons set forth below, SBUA meets the criteria for certification set forth in OAR 860-001-0120(4).

(a) Nonprofit Status

Small Business Utility Advocates is an Internal Revenue Code Section 501(c)(3) nonprofit organization comprised of multiple customers of Portland General Electric (“PGE”). SBUA’s primary purpose is representing the interests of small businesses in utility

proceedings.¹ Of SBUA members in Oregon, at least some are PGE Schedule 32 Small Non-residential Customers.

(b) Broad Representation with Participation Directed at Public Utility Rates or Terms and Condition of Service affecting those Customers, and Not Narrow Interests or Ancillary Issues

The SBUA represents small business which is a broad class of customers, and SBUA's membership is diverse. Most businesses in Oregon are small businesses, that is, those with 100 or fewer employees, according to the Oregon Small Business Development Act definition in ORS 285B.123(2). Of the 94,197 firms in Oregon in March 2014, 92,232 firms had fewer than 100 employees.² SBUA's membership does include firms served under Portland General Electric Rate Schedule 32.

SBUA also represents a broad diversity of businesses. While SBUA may not divulge the identities of its members in this filing, it may inform the Commission that its membership consists of businesses including web developers, architectural drafting and rendering, food production, business incubation, commercial agriculture, renewable energy, weatherization, photography, timber products, jewelry design and sales, among other types of businesses. Many SBUA members are located in Portland General Electric territory.³

¹ See www.utilityadvocates.org

²State of Oregon Employment Department Oregon Size of Firm Data for 2014 <https://www.qualityinfo.org/-/oregon-size-of-firm-data-for-2014>

³ SBUA's membership has increased and diversified compared to its status when the Commission considered SBUA application for case certification in Order 14-257 of 11/09/14. Of almost 200 members, approximately 25 members are in Oregon and these include at least two membership organizations paying for PGE power, and other PGE ratepayer members.

SBUA participation will be primarily directed at the proposed rates or terms and conditions of service affecting small businesses, and not narrow interests or ancillary issues. SBUA is comprised of and represents small businesses exclusively, at least some of which are members of the Small Non-residential Customer class, Schedule 32. This customer class is under-represented in this docket. PGE maintains in Exhibit 2 of the Executive Summary indicates that the base rate effect of the proposed price change will be 5.9% for Small Non-residential Customers as compared to 3.1% for Residential Customers, and 4.8% for Large Non-residential Customers. SBUA's mission is to advocate for the interests of small business and to ensure that any rate change is fair, just and reasonable consistent with ORS 757.210, and will focus on the rates and terms and conditions of service affecting its members.

(c) Demonstrated Effective Representation

SBUA's legal counsel has represented and provided legal counsel for over ten years to numerous Oregon small businesses and is experienced in energy and utility matters in Oregon. Since SBUA's inception in Oregon, its legal counsel has educated SBUA membership on utility regulatory matters impacting small business. SBUA is an intervenor in OPUC Docket UM 1610, has participated in the proceedings, and has demonstrated the ability to represent small business within the scope of its intervention in that docket, including preparing expert testimony, filing documents, and participating in docket workshops and other proceedings. SBUA's counsel anticipates utilizing other expertise with general utility rate-making experience in this General Rate Case, as a proposed budget would demonstrate. Also, SBUA counsel would draw from membership expertise as it has in the prior docket for rate impact information.

(d) Members who are Utility Customers Contribute a Significant Percentage of the Overall Support and Funding of the Organization

SBUA members in Oregon, including several of whom are PGE ratepayers, have provided the majority of the overall support and funding to the organization. Support by Oregon's SBUA membership is broad and consists of various members' money contributions, in-kind professional services, space and capital equipment, not to mention general participation in the organization. The budget of SBUA is not large, however, at least a significant majority of the money support of the organization is derived from several SBUA members in Oregon, including at least one PGE Schedule 32 ratepayer, and possibly more, from Salem, Portland metro, and other Willamette Valley locations in PGE territory. Further, in addition to the financial contributions, another SBUA member and PGE Schedule 32 ratepayer in the Portland metro area provides the primary meeting space and meeting communication equipment for members. SBUA members also support the organization by participating in the organization and attending meetings.

(e) Demonstrated Ability to Substantively Contribute to the Record on Behalf of Customer Interests

While not as seasoned as the Citizens' Utility Board, the Industrial Customers of Northwest Utilities, or other veterans of OPUC dockets, SBUA's legal counsel has several years of experience working on utility related issues in Oregon, including advising clients in matters, working at Oregon Department of Energy and intervening in OPUC dockets, and counsel participates in CLE trainings in electricity pricing. SBUA has contributed substantively to the record on behalf of SBUA member interests in UM 1610, obtaining

expert testimony informing the Commission on the state of small business in Oregon and the impact of PURPA renewable energy generation projects, and also participating in discussions leading to settlement. While SBUA has not intervened previously in a general rate case, nor received case certification or grant, SBUA counsel has an ability to contribute to the record, and demonstrated for the record statistical familiarity with the state's small business constituency and a depth of engagement with small businesses. This background establishes for SBUA a critical base of knowledge to contribute to substantive contributions in this rate case.

(f) No Other Adequate Representation and the Specific Interests of the Class will Benefit from Organization's Participation

No precertified intervenor in these proceedings adequately represents the specific interests of small business or PGE's Small Non-residential Customers. The Citizens' Utility Board represents the Residential customer class by statute, and stands to run a conflict given the different proposed rate impacts on Residential and Small Non-residential Customer classes. Precertified Industrial Customers of Northwest Utilities ("ICNU") represents the Large Non-residential Customer class. Other large customer entities are represented by counsel, and other intervenors, as in the case of the NVEC, represent entities beyond small business. SBUA represents exclusively small business interests which includes Small Non-residential Customers. Such customer class will benefit from SBUA participation since SBUA will bring to the Commission information pertinent to small business that the Commission is not likely to receive from any other source. Given the clear purpose of the tariff's enabling PGE to recover costs of the new Carty generating plant, SBUA participation

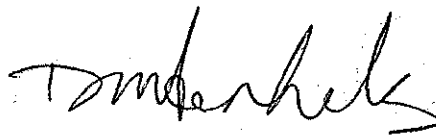
will benefit the Small Non-residential Customer class by at least raising pertinent questions regarding the methodology used to determine the different proposed rate increases per class of customer and the tariff structure as it regards the establishment of base rates.

(g) Participation will not Unduly Delay the Proceedings

SBUA timely intervened and will target its advocacy to a limited range of issues. While prepared to submit a proposed budget for intervenor funding today, the deadline identified in Prehearing Conference Memorandum of March 6, 2015, SBUA requests an extension to file a proposed budget immediately following a potential Commission decision granting this Petition for Case Certification. SBUA does not anticipate that this step, nor any in its intervention, will unduly delay the proceedings.

For the foregoing reasons, SBUA respectfully requests that the Commission grant this Petition, and a brief extension of the deadline to submit a proposed budget.

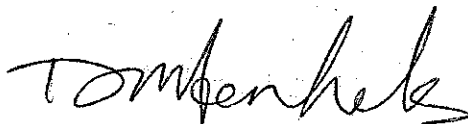
RESPECTFULLY SUBMITTED April 17, 2015.



Diane Henkels
Of Counsel, Cleantech Law Partners PC
Counsel for Small Business Utility Advocates

CERTIFICATE OF FILING SERVICE

I hereby certify that on April 17, 2015, I served on the following a copy of PETITION OF SMALL BUSINESS UTILITY ADVOCATES FOR CASE CERTIFICATION AND REQUEST FOR EXTENSION in UE 294 Portland General Electric General Rate Revision by electronic mail unless otherwise noted. "W" denotes waiver of paper service; "C" denotes those receiving confidential information.



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