

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1909

In the Matter of

PUBLIC UTILITY COMMISSION OF
OREGON,

Investigation of the Scope of the
Commission's Authority to Defer Capital
Costs.

RULING

**DISPOSITION: MOTION TO DESIGNATE PROCEEDING AS
 ELIGIBLE FOR ISSUE FUND GRANTS GRANTED;
 CLARIFICATION ON FUTURE PROCESS PROVIDED**

Northwest Industrial Gas Users, Oregon Citizens' Utility Board, and the Industrial Customers of Northwest Utilities (collectively Intervenors) filed a motion seeking two things. First, Intervenors move to designate this docket as an eligible proceeding for Issue Funds under the Fourth Amended and Restated Intervenor Funding Agreement (Agreement). Second, they request clarification on the process for requesting such designation in a future proceeding.

Both requests arise from a change in the Agreement to the definition of proceedings that are eligible for Issue Fund grants. The Agreement defines "Eligible Proceedings for Issue Funds" as a proceeding before the Commission to review:

1. A general rate case request,
2. The proposed acquisition or merger of one of the Participating Public Utilities,
3. An Integrated Resource Plan,
4. An annual power cost request (such as PGE's Annual Update Tariff or PacifiCorp's TAM) or a purchase gas adjustment request, or
5. Any other proceeding so designated by the Commission that directly affects one or more of the Participating Utilities and is anticipated to have a substantial impact on utility rates or service, a significant impact on utility customers or the operations of the utility, is likely to result in a significant change in regulatory policy, or raises novel questions of fact or law.

With regard to the Intervenors first request, I agree this proceeding qualifies as an eligible proceeding under the last criterion because this docket affects multiple utilities, may have

a substantial impact on utility rates, and raises a novel question of law. Accordingly, this docket is certified as an eligible proceeding.

As to Intervenor's second request, I clarify that Intervenor should file a separate motion for the designation of a proceeding as eligible for issue funds. The process should be similar to that under OAR 860-001-0660 to request a docket be designated as a "Major Proceeding." A motion to certify should specify how the case qualifies as an eligible proceeding. Any response to the motion will be due within seven calendar days after the pleading is filed.

Dated this 12th day of February 2018, at Salem, Oregon.



Michael Grant
Chief Administrative Law Judge