

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON
UM 1050

IN THE MATTER OF:)	
)	
PACIFICORP INITIATES)	REPLY OF SMALL BUSINESS
INVESTIGATION INTO MULTI-)	UTILITY ADVOCATES
JURISDICTIONAL ISSUES AND)	
APPROVE AN INTER-JURISDIC-)	
TIONAL COST ALLOCATION)	
)	

I. INTRODUCTION

Pursuant to OAR 860-001-0700 and the January 10, 2020 Ruling (“Ruling”) by Administrative Law Judge Moser (“ALJ”), Small Business Utility Advocates (“SBUA”) files this Reply to the Response of the Oregon Citizens’ Utility Board and the Alliance of Western Energy Consumers dated January 24, 2020 (“Response”). Following SBUA’s timely intervention, filing for Case Certification, and the ALJ Ruling, the Public Utility Commission of Oregon (“Commission”) filed its Order 20-024. (“Order”) which adopted the stipulation and approved Sections 3 and 4 of the 2020 Protocol as filed.

II. ARGUMENT

A. SBUA acknowledges Order 20-024’s reasonable interpretation of SBUA’s contribution in this docket.

SBUA did intervene within the timeframe prescribed by the ALJ. SBUA did not receive contact from Staff or any other party with regard to a draft Stipulation¹, though SBUA does ap-

¹ SBUA respectfully submits that Staff’s counsel, consistent with Commission Guidelines and the role of advocate for the public interest, might have reached out to SBUA with regard to the proposed Stipulation rather than making a first communication as opposition. Order 14-358, Appendix A: See Internal Guidelines, Order 14-358, Appendix A: See Internal Guidelines, p.8.

precipitate the extensive and lengthy negotiation and information processing by participating parties that went into building the Stipulation and the 2020 Inter-Jurisdictional Allocation Protocol.

SBUA appreciates the Commission's clearly expressing in the Order regarding the application of the 2020 Protocol to potential rate impacts for customers.² While this was also referred to in the Stipulation³ it was helpful to have this reinforced by the Order. SBUA found helpful to its understanding generally the substantive content of information in the UM 1824 Staff presentation comparing general inter jurisdictional data, and feels that would have been a helpful framework for a workshop to flesh out the alternatives in some greater detail.⁴ as mentioned , However, SBUA understands how this discussion was not considered a contribution where SBUA did not include detail based on small nonresidential customer specific data.⁵

It is notable and was helpful that the Commission entered its Order on January 23, 2020 prior to the time allocated for the Response and Reply regarding SBUA's case certification. That decision timing was helpful for SBUA to consider.

B. SBUA disagrees and with the Response's Argument for at least two reasons.

First, as discussed above, the Order determined SBUA's contribution and Commission's prior point of SBUA not having raised substantive issue in this UM 1050 docket and SBUA relies on the Order rather than any other subsequent statement by a party. Second, the Response has no basis for indicating SBUA did not meet certain financial requirements for this docket.

² Order, pp 2-3.

³ UM 1050 Joint Testimony of Stipulating Parties /100 p 6

⁴ Order 14-358, Appendix A: See Internal Guidelines, p.8 that contested cases are longer and may include workshops to learn more about contested issues.

⁵ Order, p 3.

The Commission's decision in UE 352 was based on presentation by SBUA of *in camera* evidence not accessible to any party.⁶ SBUA has several examples of meeting financial requirements in prior dockets with budgets similar to UM 1050 to the Commission's satisfaction.⁷ Also, SBUA's example budget that was not filed as the budget, but rather as an example.

SBUA also rejects the Response reference to support by PacifiCorp. Given initial outreach by SBUA to PacifiCorp prior to filing a petition for Case Certification, and again afterwards including some limited exchange with the Company's counsel, SBUA could reasonably anticipate the Company would respond for itself.

III. CONCLUSION

Based on the above SBUA acknowledges not meeting requirement for case certification.

RESPECTFULLY SUBMITTED February 6, 2020.



s/ Diane Henkels

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⁶ Order 19-262, p. 2-3.

⁷ And pursuant to Order 18-017 of January 17, 2018, pp 22-23, SBUA has filed its reports as required by the Fourth Amended and Restated Intervenor Funding Agreement to ensure it meets its financial requirements. That said, SBUA is mindful of the content of the Commission's Order Order 19-2621 p 4.