

BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON
UM 1050

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

Pursuant to OAR 860-001-0120(4), Small Business Utility Advocates (“SBUA”) respectfully petitions the Public Utility Commission (“Commission”) to certify this case for the purposes of receiving intervenor funding and to permit SBUA to submit a Proposed Budget, an example of which is attached as Exhibit 1. This docket is a contested case proceeding as identified in the December 30, 2019 ruling including Notice of Contested Rights and Procedures, and a contested case is an eligible proceeding for an intervenor to seek an issue fund grant. OAR 860-001-0120(4) and Article 1(d), Article 4.2.3, Article 5.3, Fourth Amended and Restated Intervenor Funding Agreement approved January 17, 2018 (“Agreement”).

SBUA was not party to the UM 1586 Multi-State Process Third Amended and Restated Intervenor Funding Agreement (“Multi-State Process Third Agreement”) was approved in Commission Order 19-013 on January 16, 2019. However, consistent with that Multi-State Process Third Agreement, Article 6.1, SBUA represents that it will document that SBUA will have used in-house resources or outside funding for at least 20% of the Eligible Expenses.

In support of this Petition for Case Certification SBUA represents the following by which it would satisfy requirements while helping achieve just and reasonable rates.

1. Criteria for Certification of Intervenors

Under the Agreement and Oregon Administrative Rules, to be case certified for purposes of receiving intervenor funding, an organization must meet certain criteria set forth in the rule. *See* 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 nonprofit 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 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

SBUA is an Internal Revenue Code Section 501(c)(3) nonprofit organization comprised of multiple customers of PacifiCorp. SBUA's primary purpose is representing the interests of small businesses in utility proceedings. See www.utilityadvocates.org. SBUA members in Oregon include several customers of PacifiCorp d.b.a. Pacific Power ("Company").

(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

SBUA represents small business which is a large, broad, and diverse class of customers. Most businesses in Oregon are "small businesses", that is, those with 100 or fewer employees, as defined by the Oregon Small Business Development Act ORS 285B.123(2). More than half of Oregon's workforce is employed in small businesses.¹ The U.S. Small Business Administration ("SBA") statistics show that the number of small businesses in Oregon with twenty or fewer employees numbered approximately 78,000 in 2014.² SBUA represents a broad diversity of these businesses. While SBUA may not divulge the identities of its members in this filing, Further, some members are already known to the parties in this proceeding via testimony in various

¹ Oregon Secretary of State Office of Small Business Assistance Annual Report (2017), <https://sos.oregon.gov/business/Documents/office-of-small-business-assistance/2017-small-business-annual-report.pdf> (last accessed 2/18/19).

² U.S. Small Business Office of Advocacy 2018 Small Business Profile Oregon, www.sba.gov/sites/default/files/advocacy/2018-Small-Business-Profiles-OR.pdf (last accessed 2/18/19).

filings previously submitted to the Commission. *See* UE 294³, UM 1751⁴, UM 1773.⁵ SBUA members in Oregon include small businesses from diverse industries including shoe repair, hair salons, pest management, commercial cleaning and maintenance, artisanal glass, insurance consult, website hosting and data center operations, wood products milling, food and beverage, commercial agriculture, small business consulting, residential and commercial construction, energy efficiency, and renewable energy consulting, multi-family residential housing, among others. SBUA members in Oregon are located in Portland metro, the central coast, Salem, the rural Willamette Valley and central Oregon. SBUA is comprised of and represents small businesses exclusively and as such SBUA constituents are distinct from the AWEC 's and CUB's constituents.

SBUA participation in this docket is directed primarily at providing an overview analysis of the proposed Stipulation and of the proposed 2020 Protocol, whether the inputs to models are just and reasonable, reviewing for an overview the Multi-State Process ("MSP") calculations to ensure PacifiCorp has used the appropriate inputs, including a brief review of decommissioning, the appropriateness of cost recovery as pertaining to Oregon small nonresidential customers, an overview of the impact of the 2020 Protocol on Oregon and SBUA including topics of how costs and revenues associated with generation, transmission, distribution, and wholesale transactions should be allocated among the six states, and what PacifiCorp proposes for the intrastate alloca-

³ UE 294 SBUA Testimony <https://edocs.puc.state.or.us/efdocs/HTB/ue294htb17027.pdf>;

⁴ UM 1751 SBUA Comments <https://edocs.puc.state.or.us/efdocs/HAC/um1751hac135915.pdf>

⁵ UM 1773 Petition of Small Business Utility Advocates for Case Certification page 3 reference to Confidential Exhibit A including identities of some SBUA members <https://edocs.puc.state.or.us/efdocs/HAH/um1773hah133929.pdf>.

tion process, an overview of the Embedded Cost Differential for Oregon, implementation issues and process in implementing the 2020 Protocol, and overview of the straw proposal.

(c) Demonstrated Effective Representation

SBUA's legal counsel has represented and provided 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 was an intervenor in OPUC Dockets UM 1610, UE 294, UM 1751, UM 1754, UM 1773, and UM 1790, and SBUA also participated in the 2017 public input process of SB 978 and submitted comments responsive to the Commission's request in that process. SBUA has demonstrated the ability to represent small business within the scope of its intervention these matters, including preparing expert testimony, filing documents, and participating in docket workshops and other proceedings. SBUA has filed small business testimony in previous dockets demonstrating for the Commission the impact of increased rates on small nonresidential customers in UE 294, for example, and advocated for small nonresidential customers in dockets evaluating the Company's renewable portfolio plan implementation in UM 1754 and UM 1790, then evaluating utility planning in the context of the then newly enacted SB 1547 increasing the renewable portfolio standard.⁶ In the present docket SBUA counsel would draw from expertise of an experienced electric utility ratemaking consultant, Steele and Associates, also with small business expertise, to help analyze the reasonableness and justness of the Company's adjustment clause as it concerns small nonresidential customers and especially Schedule 23 ratepayers.

⁶ SBUA Comments available at <http://edocs.puc.state.or.us/efdocs/HAC/um1754hac82346.pdf>

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

SBUA members include the Company's customers in California and Oregon, and in Oregon, this includes Pacific Power ratepayers. Pacific Power ratepayers contribute to the overall support and funding of SBUA in the form of dues, in kind contributions, and donations. Oregon's SBUA membership support is broad and consists of member dues, various members' donations, in-kind professional services, space and capital equipment. Support also comes in the form of general participation in the organization from SBUA members in Oregon including Pacific Power Schedule 23 ratepayers from Portland metro, central Oregon, the central coast, and Willamette Valley. 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

SBUA has demonstrated its ability to contribute on behalf of customer interests related to rates, and terms and conditions of service in UE 294 and UM 1610, obtaining expert testimony informing the Commission on the state of small business in Oregon, the impact of PURPA renewable energy generation projects, comparing rate increases in a general rate case, then participating in settlement negotiations and providing meaningful input on behalf of its members.

SBUA contributed substantively to the record in UE 294 docket in 2015.⁷ In SBUA received case certification in 2016 in UM 1751 regarding HB 2193 Implementing an Energy Storage Program Guidelines, in 2016 in UM 1754 regarding the Company's 2017-2021 Renewable Portfolio

⁷ See UE 294 SBUA Testimony <https://edocs.puc.state.or.us/efdocs/HTB/ue294htb17027.pdf>.

Standard Implementation Plan for the Company filed in 2015, in 2017 in UM 1790 regarding the Company's 2017-2021 Renewable Portfolio Standard Implementation Plan filed in 2016, and in 2016 in UM 1773 regarding Portland General Electrical Partial Waiver of Competitive Bidding Guidelines, approval of RFP Schedule. SBUA has an ability to contribute to the record in the aforementioned dockets, and has demonstrated for the record statistical familiarity with the state's small business constituency and impact of the proceedings on small business.

Further, SBUA's expert, William Steele, has significant experience in electric utility ratemaking as utility commission staff, is a regular instructor for a nationally recognized electric utility ratemaking training, and also serves on a state advisory board representing small business in utility matters.⁸

SBUA's legal counsel has over 20 years of legal experience, including working on utility related issues in Oregon, advising clients in utility matters, working at Oregon Department of Energy and intervening in OPUC dockets, and counsel has received specialized training in electricity pricing and ratemaking.

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

No party in these proceedings adequately represents the specific interests of small business or the Company's Small Nonresidential 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 Nonresidential Customer classes. Alliance of Western Energy Consumers ("AWEC") represents the large non-residential customer classes. SBUA

⁸ More information regarding Mr. Steele's qualifications is on file with the Commission in UE 352 and by inquiry to SBUA.

represents exclusively small business interests. Small nonresidential customers and Schedule 23 will benefit from SBUA participation since SBUA will bring to the Commission expertise in reviewing docket filings as they pertain to the small nonresidential class of customers and information pertinent to small business that the Commission is not likely to receive from any other source. Should proceedings require additional work beyond the January 15, 2020 comments, SBUA requests leave to submit an amended budget for consideration to increase SBUA's capacity to participate in the proceedings.

(g) Participation will not Unduly Delay the Proceedings

SBUA's participation will not unduly delay the proceedings. SBUA acknowledges the schedule that has been established in the Administrative Law Judge's ("ALJ's") Prehearing Conference Memorandum issued December 10, 2019, noting the ALJ's note that a subsequent memo may add one or more dates should the Commission choose to do so. SBUA has had contact with the Company the day of this filing and the Company is not yet decided its position.

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SBUA also notes, respectfully, that SBUA filed its Motion to Intervene on December 16, 2019 by the deadline for expedited intervention and was granted intervention on December 30, 2019. SBUA would not delay the time required for providing comments due January 15, 2020.

IV. Conclusion

For the foregoing reasons, SBUA requests that the Commission grant this Petition.

RESPECTFULLY SUBMITTED January 10, 2020.



s/ Diane Henkels

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IN THE MATTER OF:)	
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PACIFICORP INITIATES)	PROPOSED BUDGET OF SMALL
INVESTIGATION INTO MULTI-)	BUSINESS UTILITY ADVOCATES
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1. INTRODUCTION

Pursuant to Order 18-017 Small Business Utility Advocates submits this Proposed Budget for participation in these UM 1050 proceedings identified in the Administrative Law Judge’s December 10, 2019 Pre-Conference Memorandum. Section 6.3 Fourth Amended and Restated Intervenor Funding Agreement approved by Order 18-017. The proposed budget must include:

(a) a statement of work to be performed by the applicant for which the applicant is seeking an Issue Fund Grant; (b) a description of the areas to be investigated by the intervenor; (c) a description of the particular customer class or classes that will benefit from the intervenor's participation; (d) identification of the specific account or accounts from which the intervenor is seeking an Issue Fund Grant and an estimate of the amount of available funds in that account; (e) a budget showing estimated attorney fees, which may include the cost for appropriate support staff and operational support; (f) a budget showing estimated consultant fees and expert witness fees, which may include the cost for appropriate support staff and operational support; and (g) a representation that the intervenor will use funds in the form of either in-house resources or outside funding to account for or pay at least 20% of the Eligible Expenses for the work to be performed

for which the intervenor is seeking an Issue Fund Grant. SBUA seeks leave to amend this Proposed Budget in the event the work is expanded beyond the January 14, 2020 Objections to Stipulation deadline.

II. PROPOSED BUDGET

SBUA submits the Proposed Budget as set forth below and in Exhibit A. SBUA requests leave to revise this budget should the Commission schedule expand work and opportunity for input pursuant to the Administrative Law Judge's UM 1050 December 10, 2019 Pre-Conference Memorandum.

(a) A statement of work to be performed by the applicant for which the applicant is seeking an Issue Fund Grant.

The work to be performed by SBUA is as follows:

- Seven hours of expert witness time reviewing stipulation, testimony and exhibits on the topics described below in II (b), including time to write up findings of review and answering questions regarding the analysis;
- Attorney time related to preparing document review and preparation of content of filings, communications with SBUA internally, other parties, and Commission;
- Administrative time finalizing and filing documents;
- Executive Director / President time: document approval process.

(b) A description of the areas to be investigated by the intervenor.

SBUA in this docket participation is directed primarily at providing an overview analysis of the proposed Stipulation and the proposed 2020 Protocol including review as to whether the inputs to models are just and reasonable, reviewing for an overview the Multi-State Protocol cal-

culations to ensure PacifiCorp has used the appropriate inputs, including a brief review of decommissioning, the appropriateness of cost recovery as pertaining to Oregon small nonresidential customers, an overview of the impact of the 2020 Protocol on Oregon and SBUA including topics of how costs and revenues associated with generation, transmission, distribution, and wholesale transactions should be allocated among the six states, and what Pacificorp proposes for the intrastate allocation process, an overview of the Embedded Cost Differential for Oregon, implementation issues and process in implementing the 2020 Protocol, and an overview of the straw proposal.

(c) A description of the particular customer class or classes that will benefit from the intervenor's participation.

The particular customer class that would benefit from SBUA's participating in the proceeding is the small nonresidential ratepayer class, known as Schedule 23, though other small nonresidential ratepayers and other classes may also benefit.

(d) Identification of the specific account or accounts from which the intervenor is seeking an Issue Fund Grant and an estimate of the amount of available funds in that account.

The account from which SBUA seeks an Issue Fund Grant is PacifiCorp d.b.a. Pacific Power Issue Fund Grant. An estimate of the amount of available funds in that account is \$144,424.00 as of January 9, 2020.

(e), (f), and (g) require a budget showing estimated attorney fees, which may include the cost for appropriate support staff and operational support, a budget showing estimated consultant fees and expert witness fees, which may include the cost for appropriate support staff and operational support, and a representation that the intervenor will use matching

funds in the form of either in-house resources or outside funding to account for or pay at least 20% of the Eligible Expenses for the work to be performed for which the intervenor is seeking an Issue Fund Grant.

SBUA submits the attached Exhibit A as a Budget for the Issue Fund Grant requested.

III. CONCLUSION

SBUA is available to provide more information or answer any questions regarding this Proposed Budget and amended budget request should the Commission include additional work on the budget beyond comments due by January 14, 2020.

RESPECTFULLY SUBMITTED January 10, 2020.



s/ Diane Henkels

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UM 1050

EXHIBIT A

SBUA Proposed Budget for Issue Fund Grant

Personnel	Hours	Rate	Cost
<i>Attorney Fees</i>			
Senior Attorney	10	240	2,400
<i>Attorney</i>			
Administrator/paralegal	5	75	375
Expert Witness Fees	7	150	1050
Executive Director	2	250	500
<i>Other Expenses</i>			
Travel			0
Printing and Postage			10
Subtotal			4,325
20% of SBUA Funded Expenditures			865
Total SBUA PacifiCorp Issue Fund Grant Proposed Request			3,460
Total SBUA Issue Fund Request			3,460