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October 27, 2016

Public Utilities Commission of Oregon
Filing Center
POB 1088
Salem, OR 97308-1088
Puc.filingcenter@state.or.us

RE: UM 1790 2017-2021 RENEWABLE PORTFOLIO STANDARD
IMPLEMENTATION PLAN

Attention Filing Center:

Small Business Utility Advocates ("SBUA") submits this Petition for Case Certification of Small Business Utility Advocates in the above-referenced docket.

Please contact me with any questions.

Sincerely,

Diane Henkels
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Counsel for SBUA
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Enclosure

Cc: UM 1790 Parties

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1790

In the Matter of)	
)	
PACIFICORP, dba PACIFIC POWER,)	PETITION FOR CASE CERTIFICATION
)	OF SMALL BUSINESS UTILITY
2017-2021 Renewable Portfolio Standard)	ADVOCATES
Implementation Plan)	

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 is granted, SBUA requests permission to file a proposed budget herein attached as Exhibit A. 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

SBUA is an Internal Revenue Code Section 501(c)(3) nonprofit organization comprised of multiple customers of PacifiCorp dba Pacific Power (“Pacific Power”). SBUA’s primary purpose is representing the interests of small businesses in utility proceedings.¹ Of SBUA members in Oregon, at least some are Pacific Power including small nonresidential ratepayers under Pacific Power’s rate schedule 23 for small nonresidential delivery service in Oregon².

(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 broad class of customers, and SBUA’s membership is diverse. Most businesses in Oregon are “small businesses”, that is, those with

¹ See www.utilityadvocates.org

² See https://www.pacificpower.net/content/dam/pacific_power/doc/About_Us/Rates_Regulation/Oregon/Approved_Tariffs/Rate_Schedules/General_Service_Small_Nonresidential_Delivery_Service.pdf

100 or fewer employees, as defined by the Oregon Small Business Development Act ORS 285B.123(2). Of the 94,494 firms in Oregon in March 2015, 92,461 firms had fewer than 100 employees.³ Some of SBUA's membership is served by Pacific Power and previous dockets have shown that small business can be subject to a higher percentage of rate increases. SBUA membership includes a broad diversity of businesses including professional photography, jewelry manufacture and retail, tourism, artisan glass, consulting, residential and commercial construction, and energy efficiency, and renewable energy consulting, among others. SBUA members are located in many parts of Pacific Power territory including the Portland metro area, the central coast, central Willamette Valley, and central Oregon.

SBUA participation is directed primarily at how Pacific Power's Renewable Portfolio Standard ("RPS") Implementation Plan impacts rates affecting small businesses and work possibilities arising from an increased RPS, and not narrow interests or ancillary issues. SBUA is comprised of mostly small businesses and represents these small businesses exclusively and as such is distinct from the ICNU, CUB, and NIPPC, even if these parties present arguments that may apply to ratepayers generally. Small business is significant in Oregon and under-represented in providing input in this process. Oregon law, particularly SB 1547 enacted in 2016, requires additional renewable energy resources, and the statute permits a ceiling rate increase. Comment in the docket implicates rate impacts where the terms of the RPS will impact the rates required to meet obligations under the statute.

(c) Demonstrated Effective Representation

SBUA's legal counsel has represented and provided counsel for over twelve 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 provided testimony on HB 4036 (2016) a precursor bill to SB 1547. It participated in these proceedings, and has demonstrated the ability to represent small business within the scope of

³ State of Oregon Employment Department Oregon Size of Firm Data for 2015 <https://www.qualityinfo.org/-/now-available-oregon-size-of-firm-data-for-2015>

its intervention these matters, including preparing expert testimony, filing documents, and participating in docket workshops and other proceedings. SBUA's counsel provided comment and SBUA reviewed responses to requests for production filed after filing the comments. SBUA anticipates providing relevant and focused input on this docket at the public meeting if needed. SBUA counsel draws from the experience from UM 1754 and related dockets, membership expertise, and other sources to determine the potential impacts Pacific Power's RPS planning process may have on small business and rates. ORS 756.040.

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

SBUA members include Pacific Power ratepayers in Oregon. Pacific Power ratepayers contribute to the overall support and funding to the organization. The budget of SBUA is not large, however, 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 from SBUA members in Oregon including Pacific Power Schedule 23 and ratepayers from Salem, Portland metro, central Oregon, the central coast, and Willamette Valley. SBUA members also support the organization by participating in the organization, attending meetings and contributing expertise in Commission proceedings and legislative testimony.

(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, UM 1610, UM 1754, UM 1751, and UM 1773, obtaining expert testimony informing the Commission on the state of small business in Oregon, the impact of new legislation on small business ratepayers, comparing rate increases in a general rate case, and providing meaningful input on behalf of its members. SBUA received case certification in UM 1754, a similar docket as this, noted the potential for impact of the new RPS statute on small business, and demonstrated for the record statistical familiarity with the state's small business constituency and depth of engagement with small businesses. SBUA's legal counsel has 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 and other topics.

(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 Pacific Power's Small Nonresidential Customers. The Citizens' Utility Board (CUB) represents the Residential customer class by statute, and even if CUB had filed comments it stands to run a conflict given differences in rate impacts between Residential and Small Non-residential Customer classes. Precertified Industrial Customers of Northwest Utilities ("ICNU") represents the Large Non-residential Customer class. Small nonresidential customers, such as those SBUA members who are Pacific Power Schedule 23 ratepayers, 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.

(g) Participation will not Unduly Delay the Proceedings

SBUA does not anticipate that granting case certification or, if allowed, providing a budget will unduly delay the proceedings.

For these reasons, SBUA respectfully requests the Commission to grant this Petition.

RESPECTFULLY SUBMITTED.

DATE: October 27, 2016

/s/ Diane Henkels

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

UM 1790

Exhibit A

Small Business Utility Advocates' Proposed Budget for Issue Fund Grant

Personnel	Hours	Rate	Cost
Executive Director	2	250	\$500
Sr. Attorney— Public rate	5	\$285	\$1425
Jr. Attorney	0	\$0	\$0
Administrative support	6	\$30	\$180
Expert Witness fees	0	\$0	\$0
Costs:			
Travel (Miles)	188	\$0.54	\$102
Subtotal:			\$1707
20% SBUA:			\$341
Total SBUA Issue Fund Request:			\$1365

