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February 24, 2016

Via Electronic Filing

Public Utilities Commission of Oregon
Filing Center
POB 2148
Salem, OR 97308
puc.filingcenter@state.or.us

Re: PACIFICORP, dba PACIFIC POWER
2017-2021 Renewable Portfolio Standard Implementation Plan
Docket No. UM 1754

Dear Filing Center:

In the event that the Petition to Intervene is granted, please find enclosed for filing in the above-referenced docket the Petition for Case Certification on behalf of Small Business Utility Advocates (“SBUA”).

Please contact me at dhenkels@cleantechlaw.com or 541-270-6001 if you have any questions. Thank you for your assistance in this matter.

Sincerely,

/s/ Diane Henkels

Diane Henkels,
Cleantech Law Partners, PC
Counsel for SBUA

Enclosure

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**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON
UM 1754**

In the Matter of)	
)	
PACIFICORP, dba PACIFIC POWER)	PETITION OF SMALL BUSINESS
)	UTILITY ADVOCATES FOR CASE
2017-2021 Renewable Portfolio Standard)	CERTIFICATION
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 for five hours of work. SBUA legal counsel has conferred with the utility’s counsel who stated the utility was likely to oppose intervention for its being out of time. 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 Pacific Power. SBUA’s primary purpose is representing the interests of small businesses in utility proceedings.¹ SBUA members in Oregon include Pacific Power ratepayers.

(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, as defined by the Oregon Small Business Development Act ORS 285B.123(2). Of the 94,197 firms in Oregon in March 2014, 92,232 firms had

¹ See www.utilityadvocates.org

fewer than 100 employees.² SBUA's membership small served by Pacific Power and previous dockets have shown that small business can be subject to a higher percentage SBUA also represents a broad diversity of businesses. While SBUA may not divulge the identities of its members in this filing, some members are known via testimony previously submitted to the Commission. SBUA members do include small businesses from different industries including pest management, commercial cleaning and maintenance, artisanal glass, insurance consult, website hosting, wood products milling, food and beverage, commercial agriculture, small business consulting, residential and commercial construction, energy efficiency, and renewable energy consulting, among others, and are presently located in Portland metro, the central coast, Salem, the rural Willamette Valley and Central Oregon.

SBUA participation is directed primarily at the how the RPS plan impacts 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 and as such are distinct from the ICNU's constituents, even if ICNU presents arguments that may apply to ratepayers generally. Further, perhaps due to the legislative session focus on related topics, no other comments have been submitted besides the staff's, despite this is the only comments received despite the significance of the RPS in Oregon, and the multi-state context of PacifiCorp's energy context. Small business is significant in Oregon and under-represented in providing input in this planning process.

(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 and UE 294, and has recently provided testimony on current RPS bill. It participated in these proceedings, and has demonstrated the ability to represent small business within the scope of its intervention these matters, including preparing expert

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

testimony, filing documents, and participating in docket workshops and other proceedings. SBUA's counsel anticipates providing focused and prompt input on this docket as indicated in its Petition to Intervene, and for with a budget of under \$1,500. SBUA counsel would draw from membership expertise as it has in the prior docket to determine the potential impacts this Implementation Plan may have on small business.

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

SBUA members include PacifiCorp ratepayers in California and Oregon, and in Oregon, this includes Pacific Power ratepayers. 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 4 ratepayers from Salem, 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, the participating in discussions leading to settlement, and providing meaningful input on behalf of its members. While SBUA has not previously received case certification or grant, SBUA has an ability to contribute to the record, and has demonstrated for the record statistical familiarity with the state's small business constituency and depth of engagement with small businesses. Further, 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 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 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. SBUA represents exclusively small business interests. 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.

(g) Participation will not Unduly Delay the Proceedings

SBUA will target its advocacy to a limited range of issues. While SBUA realizes that its Petition to Intervene and the comments it prepared have been filed after the deadline, it notes this the Commission has granted an extension to the utility filing deadline per the Ruling issued February 17, 2016 and that this should not unduly delay the proceedings. SBUA requests an leave 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 one day to submit a proposed budget.

RESPECTFULLY SUBMITTED February 24, 2016.

/s/ Diane Henkels

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

CERTIFICATE OF FILING SERVICE

I hereby certify that on February 24, 2016, I served on the following a copy of PETITION OF SMALL BUSINESS UTILITY ADVOCATES FOR CASE CERTIFICATION AND REQUEST FOR EXTENSION in UM 1754 PacifiCorp's 2017-2021 Renewable Portfolio Standard Implementation Plan by electronic mail unless otherwise noted.

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PacifiCorp, Dba Pacific Power	825 Ne Multnomah St, Ste 2000 Portland Or 97232 Oregondockets@PacifiCorp.Com
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Dated: February 24, 2016

/s/ Diane Henkels

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