

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**UM 2032**

In the Matter of  
Public Utility Commission of Oregon,  
Investigation into the Treatment of Network  
Upgrade Costs for Qualifying Facilities

NORTHWEST AND INTERMOUNTAIN  
POWER PRODUCERS COALITION'S  
REPLY TO JOINT RESPONSE OF THE  
OREGON CITIZENS' UTILITY BOARD  
AND THE ALLIANCE OF WESTERN  
ENERGY CONSUMERS

**I. INTRODUCTION**

Pursuant to OAR 860-001-0420(5), the Northwest and Intermountain Power Producers Coalition (“NIPPC”) files this reply to the Joint Response of the Oregon Citizens’ Utility Board (“CUB”) and the Alliance of Western Energy Consumers (“AWEC”) in opposition to NIPPC’s motion requesting to be case-certified as a party eligible to receive an Issue Fund Grant.<sup>1</sup> The Oregon Public Utility Commission (the “Commission”) should grant NIPPC’s petition because NIPPC has demonstrated that it meets all of the eligibility criteria, including that NIPPC is a non-profit organization that represents a broad class of customers, that NIPPC has the ability to substantively contribute to the record on behalf of the customer class it represents, and that NIPPC has the ability to effectively represent its customer class.

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<sup>1</sup> It is NIPPC’s understanding that CUB and AWEC are opposing only this component of NIPPC’s motion and are not opposing either NIPPC’s Notice of Intent to Seek Intervenor Funding Through Issues Fund, nor NIPPC’s Request to Certify Case as Eligible for Issue Fund Grants.

## II. LEGAL STANDARD

ORS 757.072 allows for financial assistance to be provided to organizations representing customer interests through a written agreement with one or more public utilities. Further, ORS 757.072 allows for financial assistance to be provided to organizations “that represent broad customer interests,” if the agreement so provides and if the organization qualifies as eligible under the Commission’s rules.

The Commission approved the Fourth Amended and Restated Intervenor Funding Agreement (“Intervenor Funding Agreement”) in Order No. 18-017.<sup>2</sup> That agreement provides that organizations may be case-certified by the Commission to receive an Issue Fund Grant if they meet certain eligibility requirements, which effectively mirror those set forth in OAR 860-001-0120(4).<sup>3</sup> These requirements are:

- 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;
- 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;
- The organization demonstrates that it is able to effectively represent the particular class of customers it seeks to represent;
- 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;

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<sup>2</sup> *In re Pub. Util. Comm’n of Or, Approval of the Fourth Amended and Restated Intervenor Funding Agreement*, Docket No. UM 1929, Order No. 18-017 (Jan. 17, 2018).

<sup>3</sup> *Id.* at Appendix A, Attachment A at §5.3.

- 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; and
- The organization demonstrates that:
  1. No precertified intervenor participating in the proceedings adequately represents the specific interests of the class of customers represented by the organization; or
  2. The specific interests of a class of customers will benefit from the organization’s participation; and
  3. The organization demonstrates that its request for case certification will not unduly delay the proceedings.<sup>4</sup>

### III. REPLY

NIPPC meets each of the above requirements, as explained in NIPPC’s initial petition and further below. CUB and AWEC’s joint opposition appears to focus on three criteria, specifically OAR 860-001-0120(4)(b), (e), and possibly (c) (hereinafter “Criterion B,” “Criterion E,” and “Criterion C”).<sup>5</sup> NIPPC responds to each separately below.

CUB and AWEC additionally raise concerns with NIPPC’s proposed options for cost allocation, but the Commission does not need to reach a conclusion on these options at this time. As noted, NIPPC’s proposal was required by neither the Intervenor Funding Agreement nor the

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<sup>4</sup> OAR 860-001-0120(4); *see also* Order No. 18-017, Appendix A, Attachment A at § 5.3.

<sup>5</sup> CUB and AWEC’s Joint Response to NIPPC’s Request for Case Certification for Intervenor Funding (“Joint Response”) does not specify which criteria they are challenging, but instead asserts broadly that NIPPC has failed to meet these criteria. NIPPC reads the Joint Response as raising concerns regarding NIPPC’s eligibility under criteria OAR 860-001-0120(4)(b), (e), and possibly (c). NIPPC does not believe that the Joint Response raises any concerns regarding NIPPC’s eligibility under criteria in OAR 860-001-0120(4)(a), (d), (f), and (g).

Commission’s rules.<sup>6</sup> Instead, NIPPC raised cost allocation for discussion among stakeholders and the Commission. Fostering a healthy discussion on cost allocation for intervenor funding was NIPPC’s aim in proposing the options at this early stage of the proceedings. Prior to filing, NIPPC reached out to CUB, AWEC, Portland General Electric, PacifiCorp, and Idaho Power in an attempt to discuss cost allocation, but was unable to engage in any robust discussion. NIPPC will continue to work with the Commission and stakeholders, including CUB and AWEC, in developing an appropriate cost recovery mechanism.

**A. NIPPC Meets Criterium B, Because NIPPC “Represents the Interests of a Broad Class of Customers” and Not a “Narrow Individual Interest”<sup>7</sup>**

CUB and AWEC’s Joint Response largely hinges on the arguments that (1) interconnection customers do not merit recognition as “customers” and (2) protecting interconnection customers will not only shift but actually impose costs on other customers. Neither assertion is accurate.

**1. Interconnection Customers Are Customers, Too**

NIPPC represents interconnection customers who have and will need to purchase interconnection services from Oregon’s utilities. ORS 756.040 addresses the Commission’s general powers and states that, in addition to any duties otherwise vested in the Commission, the Commission shall “protect [] customers, and the public generally, from unjust and unreasonable exactions and practices [by the utilities].” ORS 757.072 allows for “financial assistance to organizations representing customer interests” and does not restrict the type of customers eligible for intervenor funding.

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<sup>6</sup> NIPPC Notice of Intent to Seek Intervenor Funding, Request to Certify Case as Eligible for Intervenor Funding, and Request to be Case Certified (“NIPPC Petition”) at 10.

<sup>7</sup> OAR 860-001-0120(4)(b).

CUB and AWEC argue that interconnection customers are not customers.<sup>8</sup> First, they say that NIPPC does not point to any statute that clearly identifies interconnection customers as customers. Under ORS 756.010(3), “customer” is broadly defined to include “the patrons, passengers, shippers, subscribers, users of the service and consumers of the product of a public utility or telecommunications utility.” When individuals and companies pay utilities to study their generation interconnection requests, construct interconnection facilities, and facilitate interconnected operations (i.e., provide interconnection service) to their generators, it is self-evident that they are “users of the service and consumers of the product of a public utility.” Such entities are, therefore “customers” under Oregon law. In addition, under the Commission’s regulations: “‘Interconnection *customer*’ means a person with one or more small generator facilities interconnected to a public utility’s transmission or distribution system.”<sup>9</sup> Furthermore, federal law has recognized that independent power producers are utility customers that have the right to procure interconnection services from utilities since at least 1978,<sup>10</sup> and the utilities’ own *pro forma* Open Access Transmission Tariffs (“OATT”) define “Interconnection Customer” as

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<sup>8</sup> Joint Response at 6.

<sup>9</sup> OAR 860-082-0015(14) (emphasis added).

<sup>10</sup> *E.g.*, Public Utility Regulatory Policies Act of 1978, P. L. 95-617 Sec. 111(15) (codified at 16 U.S.C. 2621(15)) (“Each electric utility shall make available, upon request, interconnection service to any electric consumer that the electric utility serves. For purposes of this paragraph, the term “interconnection service” means service to an electric consumer under which an on-site generating facility on the consumer’s premises shall be connected to the local distribution facilities. Interconnection services shall be offered based upon the standards developed by the Institute of Electrical and Electronics Engineers: IEEE Standard 1547 for Interconnecting Distributed Resources with Electric Power Systems, as they may be amended from time to time. In addition, agreements and procedures shall be established whereby the services are offered shall promote current best practices of interconnection for distributed generation, including but not limited to practices stipulated in model codes adopted by associations of state regulatory agencies. All such agreements and procedures shall be just and reasonable, and not unduly discriminatory or preferential.”).

“any Eligible Customer (or its Designated Agent) that executes an agreement to receive generation interconnection service pursuant to Part IV or Part V of this Tariff.”<sup>11</sup>

NIPPC does not believe that the purchase of interconnection service from a utility should be treated differently than any other service purchased from a utility, whether the purchase of a commodity or of a service such as line extensions, transportation electrification infrastructure, conservation, or repair work, and NIPPC seeks intervenor funding to represent those entities that purchase interconnection service: interconnection customers.

CUB and AWEC next argue that interconnection customers are not “captive” and therefore do not need representation.<sup>12</sup> Both assertions are incorrect. Interconnection customers are just as captive as residential or commercial customers. They cannot purchase interconnection services from any other entity besides the monopoly utility in whose service territory they are located, although they are seeking to obtain some services from third parties, including but not limited to the right to hire third party consultants to construct certain interconnection facilities. Moreover, an interconnection customer has no more ability to escape the monopoly than other customers do. While an interconnection customer could, in theory, physically relocate to avoid being subject to a particular monopoly utility,<sup>13</sup> this is no different from a residential or commercial customer having the ability, in theory, to physically relocate to a different utility – and no easier or more practical to do so, in reality. The ability to escape a monopoly by physically changing locations does not change one’s status as a “captive customer.” They are served by a monopoly; ergo, they are captive customers. Interconnection customers are in even

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<sup>11</sup> See, e.g., PacifiCorp’s Open Access Transmission Tariff at Section 1.15B.

<sup>12</sup> Joint Response at 6.

<sup>13</sup> *Id.* at 8.

greater need of representation than at least certain other customers of utility service because, while certain residential, commercial, and industrial customers can self-generate and essentially disconnect from the power grid, interconnection customers have no other option than to go through their monopoly service provider if they want to sell their power.

CUB and AWEC next argue that the legislature did not envision intervenor funding being used for interconnection customers.<sup>14</sup> Specifically, they cite that in 2003, “then-Commission Chair Lee Beyer testified to the purpose of the legislation:

Essentially what this does is the agreement between the utilities and these groups is allows them to put some money on the table to allow these intervenors to represent customers better if you will. And I think they would tell you ... that the ratepayers pay for these rate cases presented by the utilities and this will allow the ratepayers to also pay for an opposing view or challenging view to be there.”<sup>15</sup>

This statement supports NIPPC’s petition. The legislature intended for intervenor funding to enable “an opposing view or challenging view” to be present on customers’ behalf when utilities make a proposal.<sup>16</sup> CUB and AWEC try to read this language as excluding an entire class of customers. If it had been the legislature’s intent, the legislature should have (and likely would have) clearly stated as much.

Finally, CUB and AWEC argue that interconnection customers are few in number and have narrow interests, therefore asserting that NIPPC cannot represent “a broad class of

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<sup>14</sup> *Id.* at 7.

<sup>15</sup> *Id.* at 7-8 (quoting *Relating to financial assistance for organizations appearing before the Pub. Util. Comm’n in matters relating to pub. Utils. that provide elec. or natural gas; and declaring an emergency*, SB 205 Chapter 234, Hearing Before Senate Committee on Business and Labor, Hearing Room C Tapes 25-26, (Statement of Lee Beyer, at 3:25-3:42) (March 5, 2003)).

<sup>16</sup> *Id.*

customers.”<sup>17</sup> While it is true that interconnection customers are a different customer class and have different interests than the customer classes that CUB and AWEC represent, neither attribute means that they or their interests are less deserving of representation. NIPPC is seeking intervenor funding to represent *all* interconnection customers on *all* interconnection issues affecting those services. It is unclear how interconnection customers might have too varied of interests, as CUB and AWEC claim,<sup>18</sup> and yet still fail to constitute a “broad class.” “Broad” should be read to mean all or almost all customers of one or more utility services. NIPPC seeks intervenor funding to represent all customers who buy interconnection services from utilities, i.e., all interconnection customers. The class may be small in size, but it deserves recognition and representation.

Furthermore, while interconnection services are the totality of their interest, this is not particularly different from CUB and AWEC representing their customer classes’ interests almost solely with respect to a single item, the purchase of electricity as a commodity. The criteria do not require that the interests of a broad customer class be themselves broad. Criterion B simply requires that an organization participate on a broad customer class’s interests generally rather than on “narrow interests” that are ancillary to the customer class’s interests. NIPPC seeks intervenor funding to represent interconnection customers on *all* issues affecting interconnection service. While the interests of interconnection customers are *arguably* limited (although, arguably not, as interconnection encompasses an incredibly broad range of complex, interrelated policy, regulatory, legal, physical, and financial issues), they are real. NIPPC also has a wide

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<sup>17</sup> *Id.* at 9-10.

<sup>18</sup> *Id.* at 11.

variety of resource developers of all technology types and sizes that have to contend with interconnection issues.

AWEC and CUB recognize that intervenors have obtained funding to represent other customer classes in the past.<sup>19</sup> For instance, in Docket No. UE 170, intervenor funding was provided to two groups representing irrigation customers specifically on rate spread.<sup>20</sup> AWEC and CUB did not oppose that intervenor funding award, even though the groups focused only a singular issue. Yet here, they oppose an intervenor funding award to NIPPC to represent all interconnection customers on all interconnection issues. It is unclear why allowing intervenor funding for interconnection customers would be so substantially different from providing intervenor funding for any other class of customer that is not one represented by AWEC or CUB.

## **2. Protecting Interconnection Customers Will Not Necessarily Shift Costs or Impose New Ones**

AWEC and CUB presume that NIPPC will take one position in representing interconnection customers: that “network upgrade costs should be socialized among the interconnecting utility’s customers, rather than borne by the [interconnection customer].”<sup>21</sup> As an initial matter, NIPPC wishes to highlight that the issue of cost allocation for network upgrade costs is at the heart of this proceeding. As an issue with substantial impacts on interconnection customers, NIPPC expects to take a position on it. However, AWEC and CUB misstate that position, and do not recognize that the proceeding will also address other issues.

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<sup>19</sup> *Id.* at 10.

<sup>20</sup> *Id.*; see also *In re Pacific Power & Light*, Docket No. UE 170, Order No. 05-134 at 3 (March 17, 2005).

<sup>21</sup> Joint Response at 2.

NIPPC’s position has not yet been finalized in this proceeding, but NIPPC is likely to take one or more of the positions that: 1) interconnection customers should have the option of procuring Energy Resource Interconnection Service (“ERIS”) rather than Network Resource Interconnection Service (“NRIS”); 2) that interconnection customers should not ultimately be held responsible for the costs of network upgrades, because network upgrades benefit all customers and removing the burden from interconnection customers helps to prevent utility discrimination against independent power producers; and/or 3) network interconnection upgrades should be presumed to provide quantifiable system wide benefits, absent evidence to the contrary.<sup>22</sup> Currently, Oregon’s utilities require interconnection customers to pay for NRIS and for all network upgrade costs, unless an interconnection customer can demonstrate system-wide benefits.<sup>23</sup> Under ERIS, the costs of transmission system upgrades would be allocated pursuant to the utilities’ Open Access Transmission Tariffs (“OATTs”).<sup>24</sup> Only if ERIS is not available does NIPPC suggest that a cost sharing mechanism for NRIS upgrades be considered.<sup>25</sup>

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<sup>22</sup> NIPPC has stated this position in the past. *See, e.g., In re Pub. Util. Comm’n of Or Community Solar Implementation*, Docket No. UM 1930, Comments of the Northwest and Intermountain Power Producers Coalition, the Renewable Energy Coalition, and the Community Renewable Energy Association on Staff’s Draft Proposal for Community Solar Interconnection at 13-14 (July 24, 2019).

<sup>23</sup> *Id.* The small generator interconnection rules do not actually require interconnection customers to take network interconnection service; however, the Oregon utilities require small generators that are QFs to interconnect with NRIS. *In re Pub. Util. Comm’n of Or Community Solar Implementation*, Docket No. UM 1930, Staff Draft Proposal for Community Solar Interconnection at 5 (June 19, 2019).

<sup>24</sup> *In re Pub. Util. Comm’n of Or Community Solar Implementation*, Docket No. UM 1930, Comments of the Northwest and Intermountain Power Producers Coalition, the Renewable Energy Coalition, and the Community Renewable Energy Association on Staff’s Draft Proposal for Community Solar Interconnection at 5, 14 (July 24, 2019).

<sup>25</sup> *Id.* at 5.

AWEC and CUB argue that NIPPC should not be eligible for intervenor funding, essentially because NIPPC will advocate for customer interests different than the interests they represent. In particular, they argue that NIPPC’s position would increase costs on so-called “retail customers,” specifically the residential and industrial customer classes.<sup>26</sup> They assert that the purpose of intervenor funding is “to ensure customer classes have the means to adequately investigate and, if warranted, challenge the imposition of new substantial costs on such classes.”<sup>27</sup>

NIPPC notes that costs should not need to be “new” to be challenged. Again, this docket is intended to re-examine current policies on the cost allocation of network upgrade investments for interconnection. These current policies and practices impose a substantial number of costs on interconnection customers alone, and interconnection customers should be able to “adequately investigate and, if warranted, challenge” the imposition of these costs.

NIPPC believes that its positions will benefit ratepayers, which is what FERC concluded when it decided that, under FERC jurisdictional interconnections, any network upgrades to a transmission provider’s transmission system “benefit all users” of the transmission system<sup>28</sup> and developed a crediting mechanism for the costs of network upgrades advanced by interconnection customers. NIPPC also notes that at least AWEC and its members appear to have changed their position on interconnection cost responsibility. In the proceedings to adopt the small and large generator interconnection rules and policies, the industrial customer trade association (to which AWEC is the successor) took essentially the same position as NIPPC is likely to take in this

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<sup>26</sup> Joint Response at 2.

<sup>27</sup> *Id.*

<sup>28</sup> Standardization of Generator Interconnection Agreements & Procedures, Order No. 2003, 104 FERC ¶ 61,103, at P 11, 21, 63, 65 (July 24, 2003).

proceeding.<sup>29</sup> While it is perfectly reasonable for AWEC’s members to change their position on this matter, this history illustrates that NIPPC’s likely position in this case may benefit all customers, because it may protect interconnection customers from utility discrimination and because network upgrades that benefit all customers will be paid for by all customers (rather than just interconnection customers).

And even if NIPPC’s position was contrary to AWEC and CUB’s interests, that is still not a sufficient basis upon which to deny intervenor funding. As mentioned above, intervenor funding has been previously provided to two groups that only intervened to address rate spread.<sup>30</sup> Rate spread inherently shifts costs between customers, and it is appropriate for customers to intervene to ensure fair and reasonable cost allocation among customer classes. In fact, there may be instances where CUB and AWEC have interests contrary to each other, especially when the issue is regarding rate spread. Therefore, even if costs may be shifted between interconnection and residential or industrial customers, that is not a reason to deny intervenor funding; in fact, that is an excellent reason to grant it to ensure that costs are allocated or “shifted” consistent with ensuring that all customers pay fair, just and reasonable rates and to ensure that interconnection customers do not subsidize residential or industrial customers.

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<sup>29</sup> See e.g., *In re Rulemaking to Adopt Rules Related to Small Generator Facility Interconnection*, Docket No. AR 521, Industrial Customers of Northwest Utilities Comments (Aug. 12, 2008) (explaining the need for reasonableness requirements and that the proposed rules differ from FERC and that they may require interconnection customers to bear system upgrade costs that primarily benefit other customers or the utility); See also *In re Staff Investigation into Interconnection of PURPA Qualifying Facilities with Nameplate Capacity Larger than 10 Megawatts to a Public Utility’s Transmission or Distribution System*, Docket No. UM 1401, Reply Comments of the Industrial Customers of Northwest Utilities (Aug. 13, 2009) (explaining that that the proposed guidelines differ from FERC and that they may require interconnection customers to bear the costs of Network Upgrades that provide system-wide benefits).

<sup>30</sup> *Id.*; see also Docket No. UE 170, Order No. 05-134 at 3.

Moreover, the choice of offering ERIS, determining that all customers benefit from network upgrades and should help pay for them, or the consideration of a cost sharing mechanism are not NIPPC's only positions. While interconnection customers, like all customers, care about the options and costs of service, NIPPC also expects to engage in a host of related issues. As noted in the order launching this proceeding, it is possible that the scope of the proceeding may be "expanded to include a limited number of additional, discrete issues related to interconnection of [interconnection customers]."<sup>31</sup> Staff has already recommended that this docket additionally cover a number of issues regarding the lack of transparency, control, and certainty over costs, including interconnection backlogs, difficulties in verifying utility studies, access to data to avoid upgrades, and variations in upgrade costs over time.<sup>32</sup> These are all key issues for interconnection customers, and NIPPC expects to take positions on these issues, as well as any other interconnection issue affecting interconnection customers that arises during this proceeding.

**B. NIPPC Meets Criterium E, Because NIPPC Has Demonstrated and Continues to Demonstrate Its Ability to Substantively Contribute to the Record on Behalf of Interconnection Customers**

NIPPC has a history of representing its members on a wide variety of issues. CUB and AWEC argue that this history does not demonstrate NIPPC's eligibility under Criterium E, because much of NIPPC's past participation in regulatory proceedings has not been on behalf of

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<sup>31</sup> *In re Pub. Util. Comm'n of Or Request to Adopt a Scope and Process for the Investigation into PURPA Implementation*, Docket No. UM 2000, Order No. 19-254 at 1 (July 31, 2019).

<sup>32</sup> *See In re Pub. Util. Comm'n of Or, Community Solar Program Implementation*, Docket No. UM 1930, Order No. 19-392 at Attachment A at 4-5 (Nov. 8, 2019).

its members specifically as customers.<sup>33</sup> Further, CUB and AWEC note that NIPPC has not received intervenor funding in the past.<sup>34</sup>

NIPPC does not need a history of representing its members as customers, nor a history of receiving intervenor funding, in order to comply with Criterion E. Criterion E requires that an 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.*”<sup>35</sup>

NIPPC believes its history of representing its members in other proceedings is demonstrative of its ability to represent interconnection customers generally in this proceeding. AWEC and CUB do not dispute NIPPC’s long history of appearing before this Commission.<sup>36</sup> In the past, the Commission has recognized that simply retaining experienced counsel can ensure an organization’s ability to substantively contribute.<sup>37</sup> NIPPC has done so here.

In addition, NIPPC has in fact represented its members specifically on interconnection proceedings. While these proceedings are rare, NIPPC expects to “substantially contribute” to the record of this proceeding as it has in the past.<sup>38</sup>

NIPPC recognizes that it has neither sought nor secured intervenor funding in the past. While the rules appropriately recognize that receiving intervenor funding may weigh in favor of granting a subsequent application for intervenor funding, having not pursued intervenor funding

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<sup>33</sup> Joint Response at 4.

<sup>34</sup> *Id.* at 12.

<sup>35</sup> OAR 860-001-0120(4)(e) (emphasis added).

<sup>36</sup> Joint Response at 4.

<sup>37</sup> Docket No. UE 170, Order No. 05-134 at 3.

<sup>38</sup> NIPPC participated in UM 1930 (specifically on interconnection) and UM 2000.

in the past should be irrelevant for first-time applicants. NIPPC cautions the Commission against allowing any practice of denying intervenor funding on the grounds that the applicant has not received intervenor funding in the past. That would have the practical effect of denying intervenor funding to any new intervenor. The opportunity set forth in ORS 757.072 and OAR 860-001-0120(4) for new applicants would be forever barred.

**C. NIPPC meets Criterium C, Because NIPPC Has Demonstrated Its Ability to Effectively Represent Interconnection Customers**

Criterium C requires that an organization “is able to effectively represent the particular class of customers it seeks to represent.”<sup>39</sup> NIPPC has a long history of representing interconnection customers effectively in the past, as noted in the initial petition.<sup>40</sup> By flagging NIPPC’s co-existence with the Community Renewable Energy Association (“CREA”) and the Renewable Energy Coalition (“the Coalition”), CUB and AWEC raise two concerns that are perhaps best addressed in regards to Criterium C.

As an initial matter, NIPPC wishes to recognize the long-standing cooperation and coordination between NIPPC, CREA, and the Coalition.<sup>41</sup> NIPPC is aware that CREA and the Coalition have intervened, and NIPPC intends to cooperate with them to represent interconnection customers.

CUB and AWEC first argue that because NIPPC, CREA, and the Coalition all represent interconnection customers, it must be true that interconnection customers have varied interests

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<sup>39</sup> OAR 860-001-0120(4)(c).

<sup>40</sup> NIPPC Petition at 9.

<sup>41</sup> For instance, in Dockets No. UM 2000 and UM 1930, NIPPC, CREA, and the Coalition submitted comments jointly. *E.g.*, Docket No. UM 1930, Comments of the Northwest and Intermountain Power Producers Coalition, the Renewable Energy Coalition, and the Community Renewable Energy Association on Staff’s Draft Proposal for Community Solar Interconnection (July 24, 2019).

that cannot be represented by a single organization.<sup>42</sup> While it is true that the Coalition and CREA also represent some interconnection customers, their participation should not be understood as a commentary on NIPPC's ability to represent interconnection customers *generally* on broad, widely shared issues. Furthermore, NIPPC is not aware of any requirement that it be the one *and only* entity capable of representing interconnection customers. Indeed, this Commission has previously allowed multiple organizations representing different groups of the same class of customers to share an intervenor funding award.<sup>43</sup>

CUB and AWEC next argue that it is unclear why NIPPC should be "designated" to represent interconnection customers and receive intervenor funding rather than CREA or the Coalition.<sup>44</sup> NIPPC has not asked for a designation that would infringe on CREA or the Coalition's participation in this docket. In fact, NIPPC has not asked for anything that CREA or the Coalition could not request, either in this case or in a future case. NIPPC has requested that it be case-certified to receive intervenor funding in this particular case. Neither CREA nor the Coalition have done so. In addition, CREA and the Coalition have informed NIPPC that they support NIPPC's request to obtain intervenor funding in this proceeding. The fact that NIPPC, CREA and the Coalition have coordinated, and only NIPPC is seeking intervenor funding, supports rather than undermines NIPPC's request for intervenor funding.

Again, NIPPC has a long history of effectively representing interconnection customers. It is unclear if CUB and AWEC intended to raise a concern about NIPPC's eligibility under Criterion C, but since they raised related concerns, NIPPC has addressed them here.

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<sup>42</sup> Joint Response at 11.

<sup>43</sup> Docket No. UE 170, Order No. 05-134 at 3.

<sup>44</sup> Joint Response at 11.

#### IV. CONCLUSION

NIPPC respectfully requests that the Commission find that NIPPC is eligible for receive assistance for its participation in this case, subject to the normal budget and filing processes associated with intervenor funding.

Dated this 22nd day of January 2020.

Respectfully submitted,

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