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August 21, 2020

Via Electronic Filing

Public Utility Commission of Oregon
Attn: Filing Center
201 High St. SE, Suite 100
Salem OR 97301

Re: In the Matter of PACIFICORP, dba PACIFIC POWER,
Request for a General Rate Revision.
Docket No. UE 374

Dear Filing Center:

Please find enclosed the Joint Response of the Alliance of Western Energy Consumers and the Oregon Citizens' Utility Board to the Petition for Reconsideration of the Small Business Utility Advocates in the above-referenced docket.

Thank you for your assistance. If you have any questions, please do not hesitate to call.

Sincerely,

/s/ Jesse O. Gorsuch
Jesse O. Gorsuch

Enclosure

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UE 374

In the Matter of)	
)	
PACIFICORP, dba PACIFIC POWER)	RESPONSE OF THE ALLIANCE OF
)	WESTERN ENERGY CONSUMERS
Request for a General Rate Revision.)	AND OREGON CITIZENS' UTILITY
)	BOARD
_____)	

I. INTRODUCTION

Pursuant to OAR § 860-001-0720(4), the Alliance of Western Energy Consumers (“AWEC”) and the Oregon Citizens’ Utility Board (“CUB”) file this joint response to the Petition for Reconsideration (“Petition”) of the Small Business Utility Advocates (“SBUA”). AWEC and CUB do not believe the Oregon Public Utility Commission (“Commission”) can grant the relief SBUA requests in its Petition. Nevertheless, AWEC and CUB understand the underlying concern SBUA raises and recommend that it be addressed in the next Intervenor Funding Agreement (“IFA”).

II. ARGUMENT

SBUA requests that the Commission “modify its Order granting Case Certification and order that SBUA’s reasonable budget be paid from issue grant funds made available from funds remaining in the PacifiCorp Issue Fund accounts for 2020 and 2019.”^{1/} All of the funds in PacifiCorp’s 2019 and 2020 Issue Fund have been allocated at this point and,

^{1/} SBUA Petition at 4-5.

therefore, there are no funds to reallocate to SBUA. The Commission has already ordered the payment of AWEC's full issue fund grants in Dockets UE 374 and UE 375.^{2/} AWEC also has an issue fund grant of \$20,000 from the PacifiCorp 2019 and 2020 Issue Funds in UM 2024. While AWEC has not requested final payment of this grant, it represents here that it will be able to request full payment of this grant and intends to do so. Similarly, CUB represents here that it can request full payment of its grants in UE 374 and UM 2024. The Commission has already ordered the payment of CUB's full issue fund grant in UE 375.^{3/} Consequently, there are not available funds with which to provide SBUA its requested relief.

Nevertheless, AWEC and CUB understand the underlying concern SBUA raises, in which issue funds may not be available to petitioners for case certification if those funds are allocated while the petition is under review. AWEC and CUB believe that this is a legitimate issue that should be addressed in negotiations over the next intervenor funding agreement. The current Fourth Amended IFA expires on December 31, 2022.^{4/}

Finally, CUB and AWEC wish to respond to SBUA's statement that SBUA reached out to CUB and AWEC "to confer regarding cooperation but neither AWEC nor CUB saw opportunity to cooperate with SBUA."^{5/} CUB and AWEC are concerned that this statement may be misconstrued. As the email exchange attached to this response demonstrates, SBUA did contact both CUB and AWEC, noting that Section 6.6 of the IFA requires precertified and case certified parties to "combine their efforts and resources in a case." SBUA appeared to interpret

^{2/} Order Nos. 20-235 & 20-236.

^{3/} Order No. 20-267.

^{4/} IFA Art. 2.

^{5/} SBUA Petition at 3.

this provision to support a redistribution of awarded issue fund grants, even though Section 6.6 also provides that “cooperative efforts shall not affect the amount of their Issue Fund Grants” AWEC and CUB responded that their interpretation of this provision of the IFA is that it encourages cooperation between parties on substantive issues in a proceeding to gain efficiencies regarding issue fund use, and that because SBUA’s testimony in UE 374 had been limited to rate spread and rate design issues applicable to PacifiCorp’s Schedule 23, there was little opportunity to cooperate on substantive issues. CUB and AWEC did not receive a response to this email from SBUA.

III. CONCLUSION

For the foregoing reasons, AWEC and CUB recommend that the Commission deny SBUA’s Petition for Reconsideration, as the relief requested is not available to SBUA.

Dated this 21st day of August, 2020.

Respectfully submitted,

DAVISON VAN CLEVE, P.C.

/s/ Tyler C. Pepple

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Of Attorneys for the Alliance of Western Energy
Consumers

OREGON CITIZENS’ UTILITY BOARD

/s/ Michael Goetz

Michael Goetz

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RECONSIDERATION

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RECONSIDERATION

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Tyler C. Pepple

From: Mike Goetz <mike@oregoncub.org>
Sent: Thursday, July 2, 2020 5:24 PM
To: Diane Henkels
Cc: Tyler C. Pepple
Subject: Re: UE 374 & Intervenor issue grant
Attachments: image001.jpg

Hi Diane -

I have cc'd Tyler to this email, and the following response is from both of us since I understand you reached out to him as well.

CUB and AWEC appreciate you reaching out on this. We are aware of the section of the IFA that encourages cooperation between parties seeking intervenor funding. Perhaps it would be beneficial to explain how we approach Section 6.6. In negotiating the IFA, the purpose of Section 6.6 was to cooperate with other intervening parties on common issues, which is likely to use the pool of monies in the issue fund more efficiently. To the extent parties can coordinate on an issue, it decreases the burden on all parties involved.

For example, AWEC and CUB regularly coordinate on issues related to a utility's revenue requirement in a rate case, but differ on issues related to rate spread and rate design. There are several issues in UE 374 that we did this on. CUB plans to support many of the arguments raised by AWEC's Cost of Capital witness, even though we did not file initial testimony on the issue ourselves. Likewise, CUB and AWEC have taken similar positions with respect to the prudence of Jim Bridger SCR's and in response to PacifiCorp's proposal to eliminate the PCAM.

According to our review, SBUA did not raise any issues that all parties would be able to cooperate on. All of the issues raised in SBUA's testimony are centered on rate design and rate spread issues that are specific to your rate schedule, so they are not germane to CUB or AWEC. Even if they were, your request is coming well into the procedural schedule of this proceeding, rather than at the outset. There is little we can do to coordinate on issues at this point, since no new issues can be raised. Further, both CUB and AWEC have already exhausted the amount allocated to us in the issue fund grant in this proceeding.

We are not sure exactly what you are asking for, but hope this email helps clear some things up. Hope you have a good weekend.

Best,

Tyler C. Pepple | Attorney

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On Wed, Jul 1, 2020 at 4:42 PM Diane Henkels <diane@utilityadvocates.org> wrote:

Hi Mike,

Writing re Intervenor funding in the UE 374 docket, the PAC Rate Case. I was reminded by the PUC staff recently that Section 6.6 of the Intervenor Funding Agreement encourages cooperation among the parties seeking intervenor funding. The Commission has certified this docket to enable SBUA to receive the issue grant funding of a reasonable budget and SBUA submitted a Proposed Budget of around \$22,000 that is available to view.

What are your/your client's thoughts on whether & how SBUA's budget, which is much less than CUB's, could share the issue grant funding in this docket?

Sincerely,



Diane Henkels
Attorney, Small Business Utility Advocates
541-270-6001 / www.utilityadvocates.org

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