

BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON

UG 490

In the Matter of	)	
	)	
NORTHWEST NATURAL GAS	)	REPLY OF FAIR OREGON UTILITY
COMPANY	)	RATES FOR SMALL BUSINESS
	)	TO RESPONSE OF ALLIANCE OF
Request for a General Rate Revision	)	WESTERN ENERGY CONSUMERS AND
	)	OREGON CITIZENS' UTILITY BOARD
_____	)	

**I. INTRODUCTION:**

COMES NOW Fair Oregon Utility Rates for Small Business (“FOUR”) before the Public Utility Commission of Oregon (“Commission”) to respond to the “UG 490 Response of the Alliance of Western Energy Consumers and the Oregon Citizens’ Utility Board to the Petition for Case Certification of Fair Oregon Utility Rates for Small Business”, hereinafter referred to as “Response”.

**II. ARGUMENT:**

FOUR responds to the several untruths and bullying objection to which it is subjected by the longtime intervention funding recipients the Alliance of Western Energy Consumers (“AWEC”) who are the large commercial and industrial customers of Oregon’s investor-owned utilities and the Oregon Citizens’ Utility Board (“CUB”) representing the residential customers of Oregon’s investor-owned utilities. Together AWEC and CUB will be referred to as “AWEC-CUB”. FOUR refutes the Response as follows:

1. The Commission should disregard any part of the Motion referring to SBUA on the grounds that the reference does not pertain to FOUR. The Response is directed at SBUA and maintains and seeks to influence the Commission to construe FOUR as a “direct descendant of SBUA” and that the two organizations have “some of the same board members”<sup>1</sup> which is false. AWEC-CUB’s statements about overlap are incorrect and unsupported with any evidence. FOUR’s board membership is clearly stated in FOUR’s filings and includes no SBUA board members.<sup>2</sup>

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<sup>1</sup> Response at 1, and throughout pages 1-3, and really, throughout the Response.

<sup>2</sup>One FOUR board member previously served on an SBUA Oregon advisory committee but never on the governing board. FOUR’s website, <https://foursmallbusiness.org/> is underdevelopment but accessible soon.

2. Effectiveness of advocacy:

Advocacy for the small nonresidential customer has been amply demonstrated by FOUR's expert and counsel. AWEC-CUB relies on and references in the Response page 3 the "February 14, 2022, Response to SBUA's Petition for Designation of Docket as an Eligible Proceeding in UM 2114". Response p3. This reference should be barred because AWEC was not a party to that docket, as was explicitly pointed out.<sup>3</sup> The February 14, 2022 filing failed anyway in its stated purpose to prevent designation of that docket as eligible for intervenor funding, and there was no reconsideration or appeal of that decision.<sup>4</sup>

FOUR's proposed expert, Danny Kermode C.P.A. Retired has a history of effective advocacy of this customer group before the Commission, and the expertise of the other expert team member Steven Hunt, C.P.A., is unquestionable. Legal counsel has also shown effective advocacy obtaining case certification for client in several prior Commission dockets including three dockets in 2022 and 2023.<sup>5</sup>

Argument based on docket UE 416 should likewise fail where the small nonresidential representative, based on expert and set forth before the Commission by counsel, satisfied requirements of case certification.<sup>6</sup>

3. FOUR represents broad class of customer interests:

The rule OAR 860-001-0120(4)(a) states in full "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." FOUR has provided already in the Petition for Case Certification pages two and three the nonprofit status and its composition of multiple customers of one or more utilities that are parties to the IFA, namely NW Natural customers, and has demonstrated by sharing its bylaws and publicly available corporate document that its primary purpose is to represent broad utility customer interests of small nonresidential customers.

4. FOUR has submitted documentation sufficient to demonstrate its financials are compliant with the rule OAR 860-001-0120(4)(d) and IFA 5.3 as applied by the Commission. FOUR has

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<sup>3</sup> See UM 2114 Reply of Small Business Utility Advocates <https://edocs.puc.state.or.us/efdocs/HAC/um2114hac71718.pdf> pp3-4 (Requesting that the Commission disregard the CUB-AWEC "Joint Response" opposing designation of the UM 2114 as eligible for intervenor funding where AWEC was not a party to the docket at all, and never became a party to that docket).

<sup>4</sup> Commission Order 22-304 Disposition: Administrative Hearings Division Recommendation Adopted to Designate UM 2114 an eligible proceeding, granting SBUA case certification.

<sup>5</sup> UG 435, UE 374, UM 2114, UE 416, UM 1773, UM 1751, UM 1754, UM 1790.

<sup>6</sup> Commission UE 416 November 29, 2023 Order 23-463.

demonstrated its understanding that it must meet the 20% match prior to receiving an order of payment.

The Response points to Order No. 13-133 at 5, and Order No. 23-44 at 13. Order No. 13-133 is irrelevant where it simply grants CUB's budget in 2013 PacifiCorp dba Pacific Power docket, and there is no such order 23-44.<sup>7</sup>

5. FOUR's participation will not delay the proceedings.

The Commission should grant the Petition, which was timely filed, and should bar AWEC-CUB from filing further against FOUR's seeking case certification. It is those organizations that prolong proceedings more than FOUR's advocacy for some 60,000 NW Natural small nonresidential customers and fair access to intervenor funding to support FOUR's work.

### III. CONCLUSION

None of the assertions or arguments in the AWEC-CUB Response are valid or supported, and many are actually false, so the Commission should reject them wholly. FOUR asks the Commission to grant its Petition for Case Certification and proposed budget so that FOUR can get on with its representation.

Respectfully submitted,

March 26, 2024

s/ Diane Henkels

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<sup>7</sup> If the Commission deems to read the 23-44 Order as a reference to "Order 23-444", then FOUR has submitted confidential financial information to satisfy any Commission concern regarding contribution of the organization and independent financial information.