

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UG 490

In the Matter of

NORTHWEST NATURAL GAS
COMPANY, dba NW NATURAL

Request for a General Rate Revision.

MEMORANDUM

The Commission is currently reviewing an intervenor funding request on behalf of “Fair Oregon Utility Rates for Small Business” (FOUR). This request was filed on March 14. Intervenors Alliance of Western Energy Consumers (AWEC) and Citizens’ Utility Board (CUB) filed a response in opposition to FOUR’s request on March 21, 2024. FOUR filed a reply to CUB and AWEC’s response on March 26, 2024.

FOUR’s response was not filed consistent with my February 6, 2024, memo outlining procedures and deadlines for intervenor funding in this docket. That memo invited responses to case certification requests, to be filed by March 21, but did not provide for replies to responses. FOUR did not request leave to file a reply. Accordingly, FOUR’s reply was filed inconsistent with our procedure and need not be considered by the Commission.

In my review of FOUR’s reply however, I noticed a factual assertion from FOUR, essential to its argument in support of case certification, that must be addressed, given the information I have collected and reviewed in support of the Commission’s consideration of this issue. Specifically, in its March 26, 2024, reply FOUR states that it is not the “direct descendant of SBUA.” Because of this, FOUR argues that the Commission should disregard “any part” of CUB and AWEC’s response referring to SBUA, and the numerous associated arguments supporting rejection of FOUR’s certification request, because of SBUA’s past conduct.

I attach the following documents to this memorandum –

- First, a newsletter on SBUA’s website – entitled “Oregon Newsletter” and “Winter 2023 Update.” I accessed this document on March 18, 2023.
- Second, a google form, also from a link on the SBUA website, that I accessed on March 18, 2023.

Readers will note that the newsletter, from SBUA, discuss SBUA’s “transition into an independent entity” for the coming year. The newsletter emphasizes – in bold – the phrase “different name, same advocacy.” It invites participation in a google form, for the purpose of re-naming group.

The accompanying google form asks: “What should the new entity name be for SBUA Oregon?” and states “We plan to begin using this new name for the 2024 year. Below you will find options of titles/names we thought best would represent us as the stakeholder who represents small business/ small commercial in OPUC proceedings.” Below this text is a list of five possible entity names, one of which is “FOUR Small Business – Fair Oregon Utility Rates for Small Business.”

I note that that this memo and its attachments need not be considered by the Commission as part of its review of FOUR’s request for case certification, and that the Commission’s decision on that request will be made without review of SBUA’s unsolicited reply. Instead, this memo is intended to address a specific statement, made in this docket by FOUR, and information in my possession that directly contradicts this statement. I consider it appropriate to make this information public for the purpose of providing parties this same information.

Dated this 2nd day of April 2024, at Salem, Oregon.



Nolan Moser
Chief Administrative Law Judge

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2023 Trade Shows

SBUA has participated in three 2023 trade shows: BestHQ: Business ExpoWest Oregon Association of Minority Entrepreneurs 35th Annual Trade; EPCC Non-Profit Spring Showcase

SBUA won "non-profit of choice" by East Portland Chamber of Commerce (EPCC) members in its 2023 Non-Profit Showcase

Thank you to in-kind prize donors

-Javaman Coffee

-Division Do it Best Hardware

-Jam on Hawthorne

-Toby Pomeroy/Olufson Designs

Greetings SBUA Oregon Members

Here is our Winter 2023 update to SBUA Oregon members and supporters summarizing how SBUA in Oregon is advocating for Oregon's small business community to ensure fair and reasonable electricity and natural gas utility rates and service.

Oregon Public Utility Commission ("OPUC"):

We have followed up with NW Natural where the utility and SBUA consulted with regard to larger small commercial natural gas users and our initial conclusions were confirmed so the utility will be taking a look at the issue where the less-consuming customers are paying also for the top 10% users. It is also helpful to recover some intervenor funding on this rate case after all the hard work. We also offered comment in the integrated resource planning that costs of transitioning equipment in natural gas based small businesses need to be factored in determining overall cost of electrification.

SBUA has consulted with PacifiCorp dba Pacific Power and we are learning more data and needs of the utility's small biz customers from that rate case. We look forward to incorporating this into our work going forward. Sadly, after much hard and great work the Commission limited SBUA recovery, similar to the last PacifiCorp rate case where the Commission did not allow recovery sufficient to pay even part of our expert. To see this again is disappointing, difficult, and unfair to small commercial representation.

Also, SBUA provided input and expertise supporting a resolution regarding Portland General Electric (PGE) recovery of COVID-19 costs, but funding challenges have made it difficult, too.

In the PGE rate case, we pointed out a larger increase in distribution for Schedule 32 ratepayers than what was justified in the utility's filing and we informed the Commission in public comment which was a challenging to work the docket, and we did end up with a fair and reasonable decision.

2024 will see many new things including the first implementation of the Integrated Resource Planning including Clean Energy Plans. The small nonresidential customers will have a voice and an opportunity to comment.

This is the last newsletter from SBUA Oregon, which will not be engaging in 2024 Oregon matters however, a new entity is taking the baton for this important work. Please refer to page 5 of this newsletter or contact below for more info.

Contact: r8guillermo.castillo@gmail.com

Oregon Public Utility Commission (PUC) 2022 & 2023 dockets: Small Commercial Update

<https://www.oregon.gov/puc/filing-center/Pages/Key-Cases.aspx>

Rate Cases and COVID-19 impacts update:

2023 wrapped up allocation of costs to be paid by ratepayers for the 2020-2022 COVID-19 programs. It was an expensive program, approximately \$80,000,000, and SBUA Oregon did its best to support Oregon's treatment of small business fairly during and after the pandemic. With sustained and challenging advocacy we were able to secure a more fair method of allocating costs, rules providing more protections for small businesses regarding shutoffs and in times of severe weather, and new reporting rules provide public data on the status of small commercial customers experiencing arrearages and facing shutoffs. Contact us for more information about your zip code or utility. Many businesses are struggling to pay their utility bills and this struggle impacts all small business.

PGE Rate Case (UE 416): SBUA focused on participating through public comment with our expert rather than testimony due to funding tie up, identifying an extraordinary increase in the cost of distribution charges to small nonresidential customers using 5,000 kWh. The proposed distribution charges were unreasonable, and, working hard to target our focus issue, we landed in a position where our expert called for a course correction. The evidence supported that correction and we are grateful that the Commission made the right decision for fair and reasonable distribution rates for small commercial customers.

NW Natural Rate Case (UG 435) - We observed that about 90% of the small business customers of NW Natural have subsidized 10% using more gas AND supported fair allocation of COVID-19 program costs. We lowered the rates but despite strong support and arguments on our behalf the Commission found that small business should pay more than large commercial customers for the costs of the pandemic related programs. After substantial challenge we did receive intervenor funding for the significant work we did. Stay tuned for SBUA use of customer information that came from our meeting with the NW Natural.

Pacific Power (UE 399) - SBUA work was key to resolving the rate spread issue of COVID-19 costs for all parties, and reducing small commercial rates to reasonable level. All other parties benefitted from SBUA work yet we encountered again an unfair Commission practice awarding intervenor funding and depleting funds so that small commercial customer advocacy and basic expert services were underfunded and we await the limited payment that was ordered from the utility.

Planning Dockets: Integrated Resources Plans (IRP), Clean Energy Plans (CEP), & Transportation Electrification Plans (TE)

WHAT ARE IRP's?: IRPs are least cost least risk plans utilities must prepare to demonstrate how they propose to meet their obligation to provide services to their customers safely and reliably. IRPs are prepared biannually and the largest electric utilities now combine this with Clean Energy Plans to show how they are progressing toward the zero carbon emissions. IRP's are also used to help utilities forecast future system resource needs and demands of the grid.

WHAT ARE CEP's?: CEPs are plans required by Oregon's HB 2021 (2021), requiring PGE and PacifiCorp dba Pacific Power to reduce greenhouse gas emissions by 80% below baseline emissions levels by 2030 and 90% below baseline emissions levels by 2035. The CEPs are plans demonstrating how they will accomplish that and CEPs are now combined with IRPs.

Portland General Electric (LC 80) -

-Small commercial customer focused comment is in preparation now.

-Read PGE's full IRP/CEP: https://downloads.ctfassets.net/416ywcrlaqmd/6B6HLox3jBzYlXOBgskor5/63f5c6a615c6f2bc9e5df78ca27472bd/PGE_2023_CEP-IRP_REVISED_2023-06-30.pdf

NW Natural also submitted its IRP (LC 79) -

- SBUA submitted comment May 2023: <https://edocs.puc.state.or.us/efdocs/HAC/lc79hac151352.pdf>

Pacific Power (LC 82) - On June 27, Pacific Power had its first interaction with the Commission for review of its 2023 IRP/CEP Plans. Since then, stakeholders have begun to engage in this docket with submitted public comment. A public meeting is schedule to be held 12/21/2023: https://oregonpuc.granicus.com/GeneratedAgendaViewer.php?view_id=2&event_id=868

Utility TE Plans:

Portland General Electric (UM 2033):

Read PGE's Draft TE plan: <https://edocs.puc.state.or.us/efdocs/HAH/um2033hah151814.pdf>

Pacific Power (UM 2056): The company filed its TE plan in February 2023 for the Commission & the public. You can read the draft plan here: <https://edocs.puc.state.or.us/efdocs/HAQ/um2056haq174652.pdf>

Northwest Natural (LC 79) - Transportation Energy Efficiency Program Update: <https://edocs.puc.state.or.us/efdocs/HAH/lc79hah85932.pdf>



PGE, Pacific Power, & Idaho Power get their Wildfire Mitigation Plans approved by Commission

HB 3409 Finding: Energy consumption in residential and commercial buildings accounted for 34 percent of annual greenhouse gas emissions in this state in 2021, according to Oregon DEQ.

Identifies increased energy efficiency for commercial buildings “Tier 1” and “Tier 2”.

—Oregon to see installation of residential or commercial buildings; 500,000 new heat pumps by 2030, but bill language focuses on residential.

Several new committees and rulemakings coming down the pipe.

Rebate Program for Medium & Heavy Duty Zero-Emission Vehicles:

—The Department of Environmental Quality to establish a program for qualifying vehicles to receive rebates (Different rebate amounts for different classes of vehicle)

—Applicants of qualifying vehicles operating their vehicle in areas of the state that are environmental stressed by air pollution to receive additional rebates.

2022 Energy Trust of Oregon Annual Results; Small Commercial Sector

-Energy Trust missed its 2022 energy savings goals for small commercial & business customers

-Economic inflation & COVID-19 variants impact savings goals — Although Energy Trust was highly optimistic in its program incentives in late 2021, as economic demand increased, supply could not be met by Energy Trust due to stressors and projects for business customers were delayed or cancelled

-Energy Trust seeks to rebuild its relationships and trust with its business customers following these results.

-SBUA commented on 2024 Energy Trust Budget observing improvement in the Budget with work to treat small business customers fairly and reasonably.

SBUA Oregon approved for Working Together Grant!:

We are excited to have received a Working Together grant to push for more small businesses to benefit from the rate dollars they pay into supporting Energy Trust programs (1.5% of every utility bill). Let’s use this grant to help make that happen.

Our small businesses served by the Pacific Power, Portland General Electric, NW Natural, Avista Utilities, or Cascade Natural Gas, have paid into the Energy Trust and have not benefited as they could and should. While some customers have been able to benefit significantly from Energy Trust opportunities, others not so much, and many not at all.

Action item: Ask Energy Trust to include small business customers in energy conservation dialogue.

Looking Towards the Future



CALLS TO ACTION

— SBUA Oregon is transitioning into an independent entity and operation as we approach the year 2024.

—Oregon members may begin to see changes of our brand but keep in mind “**Different name, same advocacy**”—We remain committed to advocating for fair and reasonable rates for our small business in the State of Oregon and informing our audiences on the latest legislative & economic impacts that will impact rates.

—Please access the following link to take a survey on potential new entity names for our organization in 2024.

—<https://forms.gle/krY5BUDMndZcM6gDA>

WORKING TOGETHER GRANT

Let us know what you think about the grant news and how we can best utilize it for your small business. Contact below.

guillermo@utilityadvocates.org

OPEN COMMISSIONER SEAT

There is a vacant seat in the PUC. Governor Kotek will appoint someone to replace Mark Thompson who left this Fall.

PGE & PACIFIC POWER IRP'S

PGE - Staff's Final Report Filed (12/14), Public Comment opportunity (1/9), Acknowledgement meeting (1/25)

Pacific Power - Special Public Meeting (12/21), Public Comment opportunity (2/21)

[Click here for more info.](#)

Are you interested in serving on a board to support fair and reasonable utility rates for small businesses in Oregon?

If so, contact SBUA Oregon Advisory Committee member Jan Wilson at jan@jannettwilsonlaw.com

Welcome New SBUA Oregon Advisory Committee Member:

CAROLINE BAUMAN, Technology entrepreneur, Yachats, Oregon, former economic development and nonprofit consultant.

Bauman has also served as a nonprofit consultant and an economic developer for 12 years in her home region of Lincoln County, Oregon. Her previous work included serving on the Board of Cascades West Economic Development District, Workforce Investment Board, and many ad hoc and task force positions to advance the "Blue Economy" (marine jobs). Her current venture is a family business based on a patented wind and energy management device. Caroline and her husband Steve, an inventor, have lived in the Coast Range entirely off of renewable energy for over 30 years. Combined with their location in a consumer-owned power territory and Northwest Natural service territory, Caroline has a unique perspective on every aspect of energy and the power grid. The family business, Energy Inertial Power Technologies Inc., <https://eiptechnologies.com/> is an independently funded company.



What should the new entity name be for SBUA Oregon?

SBUA Oregon is becoming its own independent entity. To do so the entity will need to be rebranded with a new name. We plan to begin using this new name for the 2024 year. Below you will find options of titles/names we thought best would represent us as the stakeholder who represents small business/small commercial in OPUC proceedings.

[Sign in to Google](#) to save your progress. [Learn more](#)

List of possible new entity names (you can choose more than one!)

- OSCAA - Oregon Small Commercial Advocates Alliance
- FROSB - Fair Rates for Oregon's Small Business
- FOUR Small Business - Fair Oregon Utility Rates for Small Business
- SCCOU - Small Commercial Customers of Oregon Utilities
- OSBUS - Oregon Small Business Utility Supporters ("BUS")

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