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BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UM 1095

In the Matter of)	
)	
INDUSTRIAL CUSTOMERS OF)	ORDER
NORTHWEST UTILITIES)	
)	
Request for Intervenor Funding)	
Precertification.)	

DISPOSITION: APPLICATION GRANTED

On July 2, 2003, the Public Utility Commission of Oregon (Commission) issued Order No. 03-388. The order adopted temporary rules on intervenor funding, set forth in OAR 860-017-0050, and approved the Intervenor Funding Agreement (Agreement) between PacifiCorp, Portland General Electric Company, Northwest Natural Gas Company, Northwest Industrial Gas Users, Citizens' Utility Board of Oregon, and Industrial Customers of Northwest Utilities (ICNU), signed February 5, 2003.

The Agreement implements Or Laws 2003, Ch. 234 (Senate Bill 205), which the Governor signed into law on June 6, 2003. This statute authorizes the Commission to approve written agreements for intervenor funding grants between electric and natural gas utilities and organizations representing broad customer interests. The purpose of the Agreement is to make funds available in a pilot project to qualified parties to enable them to advocate on behalf of broad customer interests in proceedings before the Commission.

Under Section 5.2 of the Agreement, an organization must become precertified in order to receive matching and issue fund grants available under the Agreement. ICNU filed an Application for Precertification (Application) on July 15, 2003.

The Agreement and OAR 860-017-0050(3) each set out identical criteria required for precertification.¹ The Commission will precertify not for profit organizations meeting the following criteria:

- (A) A primary purpose of the organization is to represent utility customers' interests on an ongoing basis;

¹ See AR 462 Order No. 03-388, Attachment A at 1 and Attachment B at 11-12.

- (B) The organization represents the interests of a broad group or class of customers and those interests are primarily directed at public utility rates and terms and conditions of service affecting that broad group or class of customers, and not narrow interests or issues that are ancillary to the representation of the interests of customers as consumers of utility services;
- (C) The organization demonstrates that it is able to effectively represent the particular class of customers it seeks to represent;
- (D) The organization's members who are customers of one or more of the Participating Public Utilities contribute a significant portion of the overall support and funding of the organization's activities in the state; and
- (E) The organization has demonstrated in past Commission matters the ability to substantively contribute to the record on behalf of customer interests.

We have reviewed the Application and find that ICNU meets the criteria for precertification as set forth in the temporary rules and the Agreement. The Commission served all interested persons in this proceeding with a Notice and copy of the Application on July 23, 2003. Pursuant to the Notice of Application, interested persons had the opportunity to file written protests to the Application by July 31, 2003. The Commission did not receive any protests to the Application.

ORDER

IT IS ORDERED that, pursuant to Section 5.2(b) of the Intervenor Funding Agreement and OAR-860-017-0050(3)(b), Industrial Customers of Northwest Utilities is precertified for the life of the Agreement as eligible to receive matching and issue fund grants under the Intervenor Funding Agreement, subject to termination under Section 8.1.

Made, entered and effective _____.

Roy Hemmingway
Chairman

Lee Beyer
Commissioner

ORDER NO. 03-502

A party may request rehearing or reconsideration of this order pursuant to ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order to a court pursuant to applicable law.