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**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

UM 1127

In the Matter of	)	APPLICATION
	)	FOR INTERVENOR FUNDING
NORTHWEST INDUSTRIAL GAS USERS	)	PRECERTIFICATION
	)	
Request for Intervenor Funding	)	and
Precertification and Payment of Matching	)	
Grant.	)	REQUEST FOR PAYMENT OF
	)	PREAUTHORIZED
	)	MATCHING GRANT

DISPOSITION: APPLICATION GRANTED;  
REQUEST FOR PAYMENT APPROVED

The Northwest Industrial Gas Users (NWIGU) has filed (1) an application for Intervenor Funding Precertification; and (2) a request for payment of preauthorized matching grant. We address each request separately.

**Precertification**

On July 2, 2003, the Public Utility Commission of Oregon (Commission) issued Order No. 03-388. The order approved the Intervenor Funding Agreement (Agreement), signed February 5, 2003.

Under Section 5.2 of the Agreement, an organization must become precertified in order to receive funding grants available under the Agreement. The Agreement and OAR 860-012-0100(3) set out the criteria required for precertification. 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;
- (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 NWIGU's application and find that it meets the criteria for precertification. The Commission served all interested persons in this proceeding with a Notice and copy of the Application on January 9, 2004. Pursuant to the Notice of Application, interested persons had the opportunity to file written protests to the Application by January 16, 2004. The Commission did not receive any protests to the Application. The Application for Intervenor Funding Precertification should be approved.

#### **Request for Payment of Matching Grant**

Pursuant to Section 7.2 of the Agreement, NWIGU requests payment of a Preauthorized Matching Fund Grant from the 2003 Northwest Natural Preauthorized Matching Fund Account in the amount of \$50,000. The Commission will grant such a request if the intervenor satisfies the requirements of the Agreement.

Funds from the Northwest Natural Preauthorized Matching Fund are available for use exclusively by NWIGU. Under the terms of the Agreement, NWIGU must establish that it has "used in-house resources or outside funding for at least 50% of the Eligible Expenses for an Eligible Proceeding." Agreement at 15. NWIGU has met that requirement.

Section 7.7 of the Agreement provides that the Commission shall make a determination in each proceeding as to how the participating utilities are to recover the funding grants from the various customer classes. Pursuant to Section 7.7(b), the "Preauthorized Matching Grants shall be allocated and charged to industrial customers." Agreement at 17.

We find that NWIGU has met the requirements of the Agreement, and its request should be approved. Section 7.2 of the Agreement provides that the utility shall pay the Preauthorized Matching Grant to the requesting intervenor within 30 days after receipt of Commission directive.

**ORDER**

IT IS ORDERED that:

1. Pursuant to Section 5.2(b) of the Intervenor Funding Agreement and OAR-860-012-0100(3), Northwest Industrial Gas Users is precertified for the life of the Agreement as eligible to receive fund grants under the Intervenor Funding Agreement, subject to termination under Section 8.1.
2. Northwest Industrial Gas Users has met the requirements of the Intervenor Funding Agreement for payment of the Northwest Natural Preauthorized Matching Fund, and its request is approved.
3. Northwest Natural shall pay \$50,000 from the Northwest Natural Preauthorized Matching Fund to Northwest Industrial Gas Users within 30 days after receipt of this Order, and the grant shall be assessed to Northwest Natural's industrial customers.

Made, entered, and effective \_\_\_\_\_.

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**Lee Beyer**  
Chairman

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**John Savage**  
Commissioner

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**Ray Baum**  
Commissioner

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.