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**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

UM 1081

|   |   |       |
|---|---|-------|
| In the Matter of the                        | ) |       |
|   | ) | ORDER |
| PUBLIC UTILITY COMMISSION OF                | ) |       |
| OREGON STAFF                                | ) |       |
|   | ) |       |
| Investigation Into Direct Access Issues for | ) |       |
| Industrial and Commercial Customers         | ) |       |
| under SB 1149.                              | ) |       |

**DISPOSITION: ISSUE FUND GRANT REQUEST APPROVED**

On October 22, 2004, Industrial Customers of Northwest Utilities (ICNU) filed a Request for Payment of PacifiCorp’s Issue Fund Grant with the Public Utility Commission of Oregon (Commission). Section 7.3 of the Intervenor Funding Agreement (Agreement), which the Commission adopted in Order No. 03-388, governs the procedures for payment of Issue Fund Grants. To be eligible to receive intervenor funding under the Agreement, an intervenor must become either precertified under section 5.2 of the Agreement or case certified under section 5.3 of the Agreement. ICNU became precertified on July 14, 2003 in Order No. 03-405.

On March 11, 2004, ICNU filed a notice of Intent to Request an Issue Fund Grant, and on April 5, 2004, ICNU filed a proposed budget in the amount of \$25,675. The Commission approved the Issue Fund Grant and ICNU’s proposed budget on April 27, 2004 in Order No. 04-226.

ICNU asks for \$25,675 from the PacifiCorp Issue Fund. Under the IFA, the Request for Payment must:

- 1) Itemize the expenses, payees and hourly rates of amount to be reimbursed;
- 2) Demonstrate that the expenses are reasonable and are directly attributable to issues and positions pursued on behalf of a particular customer class and consistent with the intervenor's proposed budget; and

- 3) Provide information sufficient to show that the intervenor has complied with any conditions imposed on the Issue Fund Grant.

Further, under the terms of the Agreement, ICNU 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. ICNU has provided the required documentation in its request, which is attached as Appendix A.

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), Issue Fund Grants should be allocated so as to fairly align the costs of the advocacy with the intended potential beneficiaries of the advocacy. Agreement at 17. We have considered the intended beneficiaries, and find that the issue fund expenditures should be allocated to PacifiCorp's industrial customers.

We find that ICNU 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 Issue Fund Grant to the requesting intervenor within 30 days after receipt of Commission directive.

**ORDER**

IT IS ORDERED that:

1. Industrial Customers of Northwest Utilities has met the requirements of the Intervenor Funding Agreement, and its request is approved.
2. PacifiCorp shall pay \$25,675 from the PacifiCorp Issue Fund to Industrial Customers of Northwest Utilities within 30 days after receipt of this Order, and the grant shall be assessed to PacifiCorp'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.