

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1095(4)

In the Matter of)	
)	
INDUSTRIAL CUSTOMERS OF)	ORDER
NORTHWEST UTILITIES)	
)	
Request for Payment of Preauthorized)	
Matching Fund Grant)	

DISPOSITION: MATCHING GRANT REQUEST APPROVED

On November 18, 2005, Industrial Customers of Northwest Utilities (ICNU) filed a Request for Payment of Preauthorized Matching Grant with the Public Utility Commission of Oregon (Commission). Section 7.2 of the Intervenor Funding Agreement (IFA), which the Commission adopted in Order No. 03-388, provides that the Commission will grant such a request if the intervenor satisfies the requirements under the terms of the Agreement.

ICNU asks for \$48,935 from the PacifiCorp Preauthorized Matching Fund Account. Funds from PacifiCorp Preauthorized Matching Fund are available for use exclusively by ICNU. 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 was precertified to receive intervenor funding grants in Order No. 03-502.

Under the terms of the IFA, ICNU must establish that it has "used in-house resources or outside funding for at least 50 percent of the Eligible Expenses for an Eligible Proceeding." IFA at 17. ICNU provided such documentation in its request, contained in a confidential spreadsheet, indicating that it has used outside funding for at least 50 percent of eligible costs in its work on docket UE 170, PacifiCorp's general rate case proceeding.

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." IFA at 20.

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 Preauthorized Matching 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 \$48,935 from the PacifiCorp Preauthorized Matching 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.

DEC 09 2005


Made, entered, and effective _____.



Lee Beyer
 Chairman



John Savage
 Commissioner



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.

Davison Van Cleve PC

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Suite 400
333 SW Taylor
Portland, OR 97204

November 17, 2005

Hon. Michael Grant
Oregon Public Utility Commission
P. O. Box 2148
Salem, Oregon 97308-2148

RE: ICNU Request for Payment of Preauthorized Matching Grant, PacifiCorp
Account, Docket No. UE 170

Dear Judge Grant:

The Industrial Customers of Northwest Utilities ("ICNU") files this request for payment of a Preauthorized Matching Grant from the Preauthorized Matching Fund PacifiCorp Account in the amount of \$48,935. This request for payment is filed pursuant to Section 7.2 of the Intervenor Funding Agreement ("IFA"), which was approved by the Oregon Public Utility Commission ("Commission") on July 2, 2003, in Order No. 03-388. The Commission's rules provide that the terms of a Commission-approved intervenor funding agreement will be binding on all organizations seeking a grant under the agreement and will be followed by the Commission in administering the agreement. OAR 860-012-0100(2).

ICNU meets all of the criteria for payment of a Preauthorized Matching Grant from the Preauthorized Matching Fund PacifiCorp Account, as demonstrated by the following:

1. There are sufficient funds available in PacifiCorp's Preauthorized Matching Fund Account for use by ICNU. Under the IFA, PacifiCorp makes available an Annual Grant Amount of \$50,000, which is added to PacifiCorp's Preauthorized Matching Fund Account each calendar year during the term of the IFA. IFA at § 4.2.2. ICNU has not made a Request for Payment for a Preauthorized Matching Grant for Eligible Expenses incurred in 2004. The current amount available in the Preauthorized Matching Fund PacifiCorp Account is \$100,000. ICNU may file a Request for Payment for a Preauthorized Matching Grant at any time during the term of the IFA. IFA at § 7.2. Funds from PacifiCorp's Preauthorized Matching Fund Account are available for use exclusively by ICNU. IFA at § 4.2.2.

2. A Preauthorized Matching Grant from the PacifiCorp Account may be used solely to pay Eligible Expenses for Eligible Proceedings involving PacifiCorp. IFA at § 4.2.2. ICNU requests the payment of a Preauthorized Matching Grant for Eligible Expenses incurred in UE 170, which is an Eligible Proceeding involving PacifiCorp. ICNU requests the payment of the \$48,935 Preauthorized Matching Grant for a portion of the expenses listed in Exhibit A, attached, which are Eligible Expenses under Section 7.4 of the IFA that ICNU has incurred in UE 170.

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3. A Preauthorized Matching Grant may be provided only if ICNU demonstrates that it has used in-house resources or outside funding for at least 50% of the Eligible Expenses for an Eligible Proceeding. IFA at § 7.2. As shown in Exhibit A, ICNU has used in-house resources and outside funding for over 50% of the Eligible Expenses for which ICNU is seeking reimbursement in this proceeding. ICNU is seeking a Matching Grant for less than 50% of the amount expended after subtracting ICNU's issue fund grant from ICNU's total expenses in this proceeding. ICNU will, therefore, cover over 50% of the expenses that were incurred in excess of its Issue Fund Grant amount. The exact numbers are shown on the enclosed confidential attachment.

4. Section 4.2.2 of the IFA requires that ICNU become precertified (in accordance with Section 5.2 of the IFA) within one year of the effective date of the IFA in order to be eligible to receive a Preauthorized Matching Grant. ICNU became precertified as eligible to receive intervenor funding grants under Section 5.2 of the IFA pursuant to Order No. 03-502, entered by the Commission on August 21, 2003.

Having demonstrated that it meets all of the criteria and conditions for such request, ICNU requests payment of a Preauthorized Matching Grant from PacifiCorp's Preauthorized Matching Fund Account in the amount of \$48,935. ICNU requests that the Commission grant this request within 30 days of receipt and order PacifiCorp to pay ICNU the amount of \$48,935 within 30 days after receipt of the Commission directive, in accordance with Section 7.2 of the IFA.

Payment should be sent to:

Michael Early
Industrial Customers of Northwest Utilities
333 S.W. Taylor, Suite 400
Portland, Oregon 97204

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions.

Sincerely yours,


Melinda J. Davison

Enclosure

cc: UE 170 Service List