

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

AR 524

In the Matter of Amendments to )  
OAR 860-012-0100 Regarding Case ) ORDER  
Certification for Grant Eligibility. )

**DISPOSITION: RULE AMENDED**

On January 7, 2008, the Public Utility Commission of Oregon (Commission) filed a Notice of Rulemaking and Statement of Need and Fiscal Impact with the Secretary of State. Notice was provided to certain legislators specified in ORS 183.335(1)(d) on January 7, 2008, and to all interested persons on the service lists maintained pursuant to OAR 860-011-0001 on January 8, 2008. Notice of the rulemaking was published in the February 2008 *Oregon Bulletin*. The deadline for comments on the proposed rule was February 25, 2008, and no comments were received by the Commission.

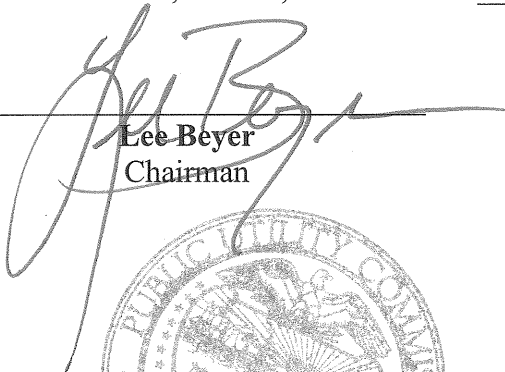
The eligibility requirements of an organization seeking case certification for intervenor funding were clarified in the First Amended and Restated Intervenor Funding Agreement approved by the Commission in Order No. 07-564 on December 19, 2007. The amendments to OAR 860-012-0100 update the administrative rule to reflect the clarification of the eligibility requirements.

**ORDER**

IT IS ORDERED that:

1. The modifications to Oregon Administrative Rule 860-012-0100, as set forth in Appendix A, are adopted.
2. The amended rule shall become effective upon filing with the Secretary of State.

Made, entered, and effective MAR 10 2008

  
\_\_\_\_\_  
**Lee Beyer**  
Chairman

  
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**John Savage**  
Commissioner

  
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**Ray Baum**  
Commissioner



A person may petition the Commission for the amendment or repeal of a rule pursuant to ORS 183.390. A person may petition the Court of Appeals to determine the validity of a rule pursuant to ORS 183.400.

**860-012-0100****Grant Eligibility (Precertification and Case-Certification)**

## (1) Definitions:

(a) "Agreement" means a Commission approved agreement under ORS Ch. 234, OR Laws 2003 between a utility providing electricity or natural gas and a not-for-profit organization that represents broad customer interests in Commission regulatory proceedings.

(b) "Grant" means financial assistance to an intervenor under the terms of an agreement.

(2) General. Upon Commission approval of an agreement, the Commission shall apply the qualifications set forth in this rule to determine eligibility for a grant. Only parties that are precertified, or parties that become case-certified for a particular proceeding, will be eligible to receive grants under an agreement. The terms of an agreement will be binding on all organizations seeking a grant under that agreement and will be followed by the Commission in administering the agreement.

(3) Precertification. The Commission will precertify organizations meeting the criteria of subsection (3)(a) or (3)(b) as eligible to receive grants. Once precertified, an organization will remain precertified unless the Commission decertifies the organization under OAR 860-012-0190.

(a) The Citizens' Utility Board of Oregon (CUB), as a representative of residential customers; or

(b) Not-for-profit organizations that meet all of 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 utilities that are parties to the agreement, 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.

(4) Case-Certification. Organizations meeting the following criteria may be case-certified by the Commission to be eligible to receive a grant:

**(a) The organization:**

**(A) Is a not-for-profit organization; or**

**(B) Demonstrates that it is in the process of becoming a nonprofit corporation;**

**or**

**(C) Is comprised of multiple customers of one or more of the utilities that are parties to the agreement and demonstrates that a primary purpose of the organization is to represent broad utility customer interests.**

(**ab**) The organization represents the interests of a broad group or class of customers and its participation in the proceeding will be 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 impact of the rates and terms and conditions of service to the customer group;

(**bc**) The organization demonstrates that it is able to effectively represent the particular class of customers it seeks to represent;

(**ed**) The organization's members who are customers of one or more of the utilities affected by the proceeding that are parties to the agreement contribute a significant percentage of the overall support and funding of the organization;

(**de**) The organization demonstrates, or has demonstrated in past Commission proceedings, the ability to substantively contribute to the record on behalf of customer interests related to rates and the terms and conditions of service, including in any proceeding in which the organization was case-certified and received a grant;

(**ef**) The organization demonstrates that:

(A) No precertified intervenor participating in the proceeding adequately represents the specific interests of the class of customers represented by the organization related to rates and terms and conditions of service; or

(B) The specific interests of a class of customers will benefit from the organization's participation; and

(**fg**) The organization demonstrates that its request for case-certification will not unduly delay the schedule of the proceeding.

Stat. Auth.: ~~ORS Ch. 234, OR Laws 2003756.040 & 757.072~~

Stats. Implemented: ~~ORS Ch. 234, OR Laws 2003757.072~~

Hist.: PUC 1-2004, f. & ef. 1-8-04 (Order No. 04-007)