

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UE 197

In the Matter of	)	
	)	
PORTLAND GENERAL ELECTRIC	)	ORDER
COMPANY	)	
	)	
Request for a General Rate Revision.	)	

**DISPOSITION: CASE CERTIFICATION APPLICATION GRANTED**

On May 27, 2008, the League of Oregon Cities (LOC) filed an Application for Case Certification pursuant to OAR 860-012-0100(4) and section 5.3 of the First Amended and Restated Intervenor Funding Agreement (IFA) dated December 5, 2007 and approved by the Public Utility Commission (Commission) in Order 07-564 (December 19, 2007). The LOC served a copy of its application on the UE 197 service list. No one objected to the application.

**Discussion**

In order to become eligible to receive an Issue Fund Grant, an intervenor must be case certified or precertified. IFA section 5.1. An organization must demonstrate that it meets certain criteria, set forth in OAR 860-012-0100(4), in order to become case certified. We address each criterion separately.

First, the organization must demonstrate that it is not-for-profit or in the process of becoming not-for-profit, that it is comprised of multiple customers of one or more of the utilities party to the IFA, and that a primary purpose of the organization is to represent broad utility customer interests. OAR 860-012-0100(4)(a)

The LOC is an intergovernmental organization formed under state law. To demonstrate its not-for-profit status, the LOC states that it received a determination that it is exempt from Federal income tax under Section 501(c)(4) of the Internal Revenue Code. The LOC's membership consists of 242 individually incorporated municipalities in Oregon, 52 of which receive electric service from Portland General Electric Company (PGE). The LOC states that in this proceeding it will represent this group of cities in

terms of the impact of PGE's proposals on the tariffs affecting municipalities (*e.g.*, street lights), as well as similarly situated loads.

Second, the organization must represent the interests of a broad group or class of customers and its participation in the proceeding must be primarily directed at public utility rates, terms, and conditions of service affecting that broad group or class of customers. OAR 860-012-0100(4)(b).

The LOC states that in this proceeding it will represent this group of cities on any issues that affect any one of its 52 members that is served by PGE. LOC points out that, in essence, these 52 members comprise PGE's municipal customer class.

Third, the organization must demonstrate that it is able to effectively represent its particular group or class of customers. OAR 860-012-0100(4)(c).

The LOC states that it has a proven ability to represent PGE's municipal customers on issues specific to cities. The LOC points to its participation in UE 180 when it actively engaged PGE on cost and service issues relating to streetlight and outdoor lighting service and its fostering of settlement and stipulation ensuring that all of PGE's municipal customers may identify accounts to be given priority during times of emergency to protect public safety, health and welfare. Further, the LOC states that its legal counsel, professional consultants, and authorized representative have extensive experience practicing before the Commission.

Fourth, the organization's members, who are customers of one or more of the utilities affected by the proceeding, must contribute a significant percentage of the overall support and funding of the organization. OAR 860-012-0100(4)(d).

The LOC's overall funding is contributed by its members in accordance with their total population. Due to this, and the fact that PGE serves the most populated areas of Oregon, the LOC states that members served by PGE contribute a significant portion of the overall support of the organization.

Fifth, the organization must demonstrate, or have demonstrated in the past, the ability to substantively contribute to the record on behalf of customer interests related to rates, and terms and conditions of service. OAR 860-012-0100(4)(e).

The LOC has participated in a number of other proceedings before the Commission. For example, in addition to its contribution in UE 180, the LOC sponsored testimony in UE 115, and participated in the MidAmerican acquisition of PacifiCorp (UM 1209). The LOC believes that it has demonstrated in these and numerous other past proceedings its ability to contribute substantively to the record.

Sixth, the organization must demonstrate that no precertified intervenor in this docket adequately represents the specific interests of the class of customers represented by the organization as to rates and terms and conditions of service; or the specific interest of a class of customers will benefit from the organization's participation. OAR 860-012-0100(4)(f).

The LOC contends that no other intervenor adequately represents the specific interests of cities. Furthermore, the LOC points out that the other precertified intervenors, the Citizen's Utility Board of Oregon and the Industrial Customers of Northwest Utilities, focus efforts on residential and industrial customers, respectively. Accordingly, the LOC believes that its participation will benefit PGE's municipal customers.

Last, the organization must demonstrate that its request for case-certification will not unduly delay the schedule of the proceeding. OAR 860-012-0100(4)(f).

The LOC points out that its request for case certification was filed in compliance with the procedural schedule agreed to by the parties, and it will not unduly delay the proceedings.

The LOC filed a Proposed Budget for an Issue Fund Grant on May 30, 2008. LOC requests an Issue Fund Grant from the PGE Issue Fund in the amount of \$39,720. The Commission's records show that granting all of the pending proposed budgets from the PGE Issue Fund, in this and other open dockets, will account for all but \$855 of the available PGE Issue Fund monies for 2008.

### **Conclusion**

We have reviewed the application and find that the LOC meets all of the requisite criteria. Its application for case certification should be granted. Intervenors should have the opportunity to comment on the LOC's proposed budget.

**ORDER**

IT IS ORDERED that pursuant to OAR 860-012-0100(4) and section 5.3 of the First Amended and Restated Intervenor Funding Agreement, the League of Oregon Cities is case-certified for this docket. Comments on the League of Oregon Cities' proposed budget should be submitted no later than 10 days from the effective date of this order.

Made, entered, and effective JUN 17 2008.

*Lee Beyer*  
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**Lee Beyer** *JH*  
Chairman

*John Savage*  
\_\_\_\_\_  
**John Savage**  
Commissioner

*Ray Baum*  
\_\_\_\_\_  
**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 by filing a petition for review with the Court of Appeals in compliance with ORS 183.480-183.484.