

ORDER NO. 13 317

ENTERED SEP 03 2013

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1357

In the Matter of

PUBLIC UTILITY COMMISSION OF  
OREGON

Approval of the Second Amended and  
Restated Intervenor Funding Agreement.

ORDER

DISPOSITION: ORDER NO. 12-452 SUPPLEMENTED

At the November 20, 2013 Public Meeting, we approved the Second Amended and Restated Intervenor Funding Agreement. On July 26, 2013, the parties to the Agreement filed an Addendum to supplement the Agreement with Exhibits A, B, and C as though such exhibits had been attached to and made part of the Agreement approved on November 20.

All parties to the Agreement executed the Addendum. We find the parties' Addendum to the Agreement, set forth in Appendix A of this order, is reasonable and should be approved.

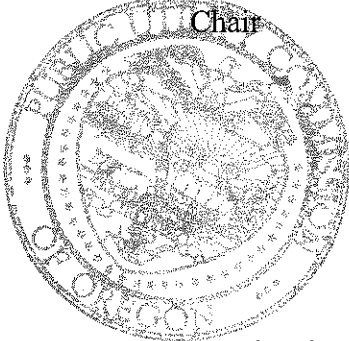
**ORDER**

IT IS ORDERED that Order No. 12-452 is supplemented by Exhibits A, B and C, as set forth in Appendix A of this order.

Made, entered, and effective SEP 03 2013

*Susan K. Ackerman*

**Susan K. Ackerman**  
Chair



*John Savage*

**John Savage**  
Commissioner

*Stephen M. Bloom*

**Stephen M. Bloom**  
Commissioner

A party may request rehearing or reconsideration of this order under 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 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480 through 183.484.

**ADDENDUM TO  
SECOND AMENDED AND RESTATED  
INTERVENOR FUNDING AGREEMENT**

This Addendum to the Second Amended and Restated Intervenor Funding Agreement (the "Addendum") shall be effective as of January 1, 2013 (the "Effective Date"), and is entered into by and among Portland General Electric Company ("PGE"), an Oregon corporation; PacifiCorp ("PacifiCorp"), an Oregon corporation; Northwest Natural Gas Company ("Northwest Natural"), an Oregon corporation; Cascade Natural Gas Corporation ("Cascade"), a Washington corporation; Avista Corporation, dba Avista Utilities ("Avista"), a Washington corporation; Industrial Customers of Northwest Utilities ("ICNU"); an Oregon nonprofit corporation; Citizens' Utility Board of Oregon ("CUB"), an Oregon nonprofit corporation; and Northwest Industrial Gas Users ("NWIGU"), an Oregon nonprofit corporation (collectively, the "Parties").

**RECITALS**

WHEREAS, the Parties entered into the Second Amended and Restated Intervenor Funding Agreement (the "Agreement"), and the Agreement was approved by the Oregon Public Utility Commission (the "Commission") in Order No. 12-452 (November 20, 2012);

WHEREAS, the Parties inadvertently did not include Exhibits A, B and C to the Agreement, when the Agreement was filed for approval with the Commission;

WHEREAS, the Parties wish to agree upon the terms of Exhibits A, B and C to the Agreement, and to request that the Commission approve such exhibits as if they had been included with the original Agreement;

NOW, THEREFORE, in consideration of the foregoing premises and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

AGREEMENT

The Agreement shall be amended to incorporate the attached Exhibits A, B and C, as though such exhibits had been attached to and made a part of the original Agreement. In addition, the Parties agree to support approval of this Addendum and the attached exhibits as provided herein.

IN WITNESS WHEREOF, the Parties have executed this Addendum effective as of the day and year first above written.

PORTLAND GENERAL ELECTRIC COMPANY

PACIFICORP

*Jay Jenks*  
By: \_\_\_\_\_  
Its: *DIRECTOR, Regulatory Policy & AFFAIRS*

By: \_\_\_\_\_  
Its: \_\_\_\_\_

NORTHWEST NATURAL GAS COMPANY

CASCADE NATURAL GAS CORPORATION

By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

AVISTA UTILITIES

INDUSTRIAL CUSTOMERS OF NORTHWEST UTILITIES

By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

CITIZENS' UTILITY BOARD OF OREGON

NORTHWEST INDUSTRIAL GAS USERS

By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

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PORTLAND GENERAL ELECTRIC COMPANY

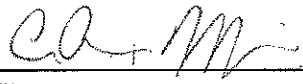
PACIFICORP

By:  
Its:

By:  
Its:

NORTHWEST NATURAL GAS COMPANY

CASCADE NATURAL GAS CORPORATION



**ALEX MILLER**  
VP REGULATION & TREASURER

AVISTA UTILITIES

By:  
Its:

INDUSTRIAL CUSTOMERS OF NORTHWEST UTILITIES

By:  
Its:

By:  
Its:

CITIZENS' UTILITY BOARD OF OREGON

NORTHWEST INDUSTRIAL GAS USERS

By:  
Its:

By:  
Its:

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PORTLAND GENERAL ELECTRIC  
COMPANY

PACIFICORP

By:  
Its:

By:  
Its:

NORTHWEST NATURAL GAS COMPANY

CASCADE NATURAL GAS  
CORPORATION

By:  
Its:

By:  
Its:

AVISTA UTILITIES

INDUSTRIAL CUSTOMERS OF  
NORTHWEST UTILITIES

By:  
Its:

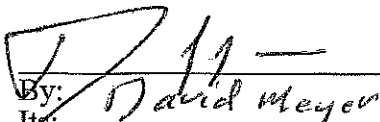
CITIZENS' UTILITY BOARD OF OREGON

By:  
Its:

NORTHWEST INDUSTRIAL GAS USERS

By:  
Its:

By:  
Its:

  
By: *David Meyer*  
Its: *V.P. & Chief Counsel*

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By:  
Its:

NORTHWEST NATURAL GAS COMPANY

CASCADE NATURAL GAS  
CORPORATION

By:  
Its:

By:  
Its:

AVISTA UTILITIES

INDUSTRIAL CUSTOMERS OF  
NORTHWEST UTILITIES


By:  
Its:

By:  
Its:

CITIZENS' UTILITY BOARD OF OREGON

NORTHWEST INDUSTRIAL GAS USERS

By:  
Its:

  
G. Cabrera McCadher  
General Counsel

By:  
Its:

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PORTLAND GENERAL ELECTRIC  
COMPANY

PACIFICORP

\_\_\_\_\_  
By:  
Its:

*William R. Ruff*  
\_\_\_\_\_  
By:  
Its: VP OF REGULATION

NORTHWEST NATURAL GAS COMPANY

CASCADE NATURAL GAS  
CORPORATION

\_\_\_\_\_  
By:  
Its:

\_\_\_\_\_  
By:  
Its:

AVISTA UTILITIES

INDUSTRIAL CUSTOMERS OF  
NORTHWEST UTILITIES

\_\_\_\_\_  
By:  
Its:

\_\_\_\_\_  
By:  
Its:

CITIZENS' UTILITY BOARD OF OREGON

NORTHWEST INDUSTRIAL GAS USERS

\_\_\_\_\_  
By:  
Its:

\_\_\_\_\_  
By:  
Its:



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COMPANY

PACIFICORP

By:  
Its:

By:  
Its:

NORTHWEST NATURAL GAS COMPANY

CASCADE NATURAL GAS  
CORPORATION

By:  
Its:

By: *Michael Parvina*  
Its: *Director, Regulatory Affairs*

AVISTA UTILITIES

INDUSTRIAL CUSTOMERS OF  
NORTHWEST UTILITIES

By:  
Its:

By:  
Its:

CITIZENS' UTILITY BOARD OF OREGON

NORTHWEST INDUSTRIAL GAS USERS

By:  
Its:

By:  
Its:

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COMPANY

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By:  
Its:

\_\_\_\_\_  
By:  
Its:

NORTHWEST NATURAL GAS COMPANY

CASCADE NATURAL GAS  
CORPORATION

\_\_\_\_\_  
By:  
Its:

\_\_\_\_\_  
By:  
Its:

AVISTA UTILITIES

INDUSTRIAL CUSTOMERS OF  
NORTHWEST UTILITIES

*S. Bradley VanCleve*

\_\_\_\_\_  
By:  
Its:

By: *S. Bradley VanCleve*  
Its: *Attorney*

CITIZENS' UTILITY BOARD OF OREGON

NORTHWEST INDUSTRIAL GAS USERS

\_\_\_\_\_  
By:  
Its:

\_\_\_\_\_  
By:  
Its:

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PORTLAND GENERAL ELECTRIC  
COMPANY

\_\_\_\_\_  
By:  
Its:

NORTHWEST NATURAL GAS COMPANY

\_\_\_\_\_  
By:  
Its:

AVISTA UTILITIES

\_\_\_\_\_  
By:  
Its:

CITIZENS' UTILITY BOARD OF OREGON

\_\_\_\_\_  
By:  
Its:

PACIFICORP

\_\_\_\_\_  
By:  
Its:

CASCADE NATURAL GAS  
CORPORATION

\_\_\_\_\_  
By:  
Its:

INDUSTRIAL CUSTOMERS OF  
NORTHWEST UTILITIES

\_\_\_\_\_  
By:  
Its:

NORTHWEST INDUSTRIAL GAS USERS

\_\_\_\_\_  
By: *Edward A Finklea*  
Its: *Executive Director*

EXHIBIT A

Example 1:

- a. In June 2013, ICNU submits a proposed budget for a PGE Issue Fund Grant in the amount of \$25,000 for participation in UE zzz. The OPUC approves ICNU's budget of \$25,000, subject to the required 20% match for an Issue Fund Grant.
- b. In February 2014, ICNU submits a request for payment of the \$25,000 PGE Issue Fund Grant for UE zzz, with documentation of 20% matching funds. The OPUC authorizes the payment.
- c. In September 2014, ICNU submits a request for payment of \$30,000 from the 2014 PGE Preauthorized Matching Fund Grant for various Eligible Proceedings, with documentation of 50% matching funds. The OPUC authorizes the payment.
- d. At the end of 2014, the PGE Preauthorized Matching Fund has an unused balance of \$36,125 (the \$66,125 beginning balance minus the \$30,000 approved request for payment.) From January 1, 2015 until April 1, on any charts or summaries the OPUC shows the \$36,125 year-end balance in the 2014 PGE Matching Fund and also shows the "new" \$66,125 that became available for 2015 in the PGE Matching Fund, per Sec. 4.3(a).
- e. In March 2015, ICNU submits a request for payment of a PGE Preauthorized Matching Fund Grant for 2014 for Eligible Expenses totaling the remaining \$36,125, with documentation of 50% matching funds. The OPUC authorizes the payment.

Result: ICNU depleted its PGE Preauthorized Matching Fund for 2014 so its Issue Fund request has no impact on Matching Funds under Sec. 4.3(b). After April 1, 2015, the OPUC updates its chart for the PGE Matching Fund showing:

|                             |           |
|-----------------------------|-----------|
| Total Funds Used For 2014:  | \$66,125. |
| Rollover from 2014 to 2015: | 0.        |
| New Funds for 2015:         | \$66,125. |
| Total Available Balance:    | \$66,125. |

Example 2, same as Example 1 except:

- a. In March 2015, ICNU submits a request for payment of a Preauthorized Matching Fund Grant from the 2014 PGE Account totaling only \$20,625. The OPUC authorizes payment.

Result: The PGE Matching Fund Account would have had a Rollover of \$15,500 (\$66,125 beginning balance, minus the \$30,000 and \$20,625 approved requests for payment, leaving \$15,500 unused for 2014.) However, since ICNU requested payment of its Issue Fund Grant instead of using up its PGE Preauthorized Matching Fund for 2014, per Sec. 4.3(b), the amount paid under the Issue Fund is deducted from the Rollover (which cannot be less than zero.) After April 1, 2015, the OPUC updates its chart for the PGE Matching Fund showing:

|                             |           |
|-----------------------------|-----------|
| Total Funds Used for 2014:  | \$50,625. |
| Deduction per Sec. 4.3(b):  | \$15,500. |
| Rollover from 2014 to 2015: | \$0.      |
| New Funds for 2015:         | \$66,125. |
| Total Available Balance:    | \$66,125. |

**Example 3**, same as Example 2 except:

- a. ICNU did not submit any request for payment of an Issue Fund Grant from the PGE Issue Fund in 2014. (The UE zzz request was submitted in 2013.) Result for 2014: There was no request for payment of a PGE Issue Fund Grant in 2014, so there is no impact on Preauthorized Matching Funds in 2014 under Sec. 4.3(b). (The impact of the request for payment for the UE zzz Issue Fund was computed for the year the request for payment was made, in 2013.) The PGE Preauthorized Matching Fund Account has a Rollover of \$15,500 going into 2015. After April 1, 2015, the OPUC updates its chart for the PGE Matching Fund showing:

|                             |           |
|-----------------------------|-----------|
| Total Funds Used for 2014:  | \$50,625. |
| Rollover from 2014 to 2015: | \$15,500. |
| New Funds for 2015:         | \$66,125. |
| Total Available Balance:    | \$81,625. |

**Example 4**, same as Example 1 except:

- a. At the end of 2014, the PGE Preauthorized Matching Fund has an unused balance of \$56,125 (\$20,000 that was rolled over from 2013, plus the \$66,125 annual amount for 2014, minus the \$30,000 approved request for payment).

Result: ICNU has reduced its PGE Preauthorized Matching Fund for 2014 to \$20,000 (after the March request for payment of \$36,125 from PGE's Preauthorized Matching Fund) which but for the operation of Sec. 4.3(b) would have been available for Rollover. However, because ICNU requested payment from the Issue Fund instead of exhausting the PGE Preauthorized Matching Fund, the amount paid under the Issue Fund is deducted from the amount that otherwise would have rolled over (without the Rollover amount being reduced to less than zero).

|                             |           |
|-----------------------------|-----------|
| Total Funds Used for 2014:  | \$66,125. |
| Deduction per Sec. 4.3(b):  | \$20,000. |
| Rollover from 2014 to 2015: | \$0.      |
| New Funds for 2015:         | \$66,125. |
| Total Available Balance:    | \$66,125. |

Exhibit B

REQUEST OF (PARTY) FOR PAYMENT OF ISSUE FUND GRANT BY (PARTICIPATING PUBLIC UTILITY)  
 May be Designated as Confidential by Submitting Party  
 SUBMITTED TO COMMISSION AND PARTICIPATING PUBLIC UTILITY

Confidential

| Eligible Expenses Billed Through (Date)   | Docket No. |       |        |        |
|---|------------|-------|--------|--------|
|   | Rate       | Hours | Cost   | Total  |
| <b>(a) Actual attorney fees directly attributable to participation in proceeding</b>                          |            |       |        |        |
| ( 1) Law firm and attorney (identify each by name and rate)   |            |       | \$0.00 | \$0.00 |
| (2) Law firm and paralegal (identify each by name and rate)   |            |       | \$0.00 | \$0.00 |
| <b>(b) Expert witness fees</b>  |            |       |        |        |
| (1) Name (identify each by name and rate)   |            |       | \$0.00 | \$0.00 |
| (2) Name (identify each by name and rate)   |            |       | \$0.00 | \$0.00 |
| <b>(c) Apportioned costs for in-house staff directly related to participation</b>                             |            |       |        |        |
| (1) Name, job title and hourly rate for recovery request (identify each)                                      |            |       | \$0.00 | \$0.00 |
| (2) Name, job title and hourly rate for recovery request (identify each)                                      |            |       | \$0.00 | \$0.00 |
| <b>(d) Cost of preparing and copying studies, discovery materials and filings</b>                             |            |       | \$0.00 | \$0.00 |
| <b>(e) Travel costs directly related to participation in the proceeding</b>                                   |            |       | \$0.00 | \$0.00 |
| <b>(f) Cost of studies, supplies directly related to proceeding, fees, transcripts</b>                        |            |       | \$0.00 | \$0.00 |
| <b>(g) Cost of participation in workshops, informal PUC activities prior to proceeding</b>                    |            |       |        |        |
| (1) Law firm and attorney (identify each by name and rate)  |            |       | \$0.00 | \$0.00 |
| (2) Apportioned costs for in-house staff (identify each name, job title and hourly billing rate for recovery) |            |       | \$0.00 | \$0.00 |
| <b>Total Eligible Expenses Billed Through (Date)</b>  |            |       |        | \$0.00 |
| <b>Amount of Approved Issue Fund Grant Budget</b>   |            |       |        |        |
| <b>Amount of This Request for Payment</b>   |            |       |        |        |
| <b>Amount Remaining in Issue Fund Grant After This Request for Payment</b>                                    |            |       |        |        |

**REQUEST OF (PARTY) FOR PAYMENT OF ISSUE FUND GRANT BY (PARTICIPATING PUBLIC UTILITY)**

**May be Designated as Confidential by Submitting Party  
SUBMITTED TO COMMISSION AND PARTICIPATING PUBLIC UTILITY**

**Certification of Authorized Officer for Party:**

All of the above expenses are reasonable, were incurred directly attributable to (Party's) participation in representing the interests of (designated customer class) in Docket No. \_\_\_\_\_, and represent expenses that are in excess of any amounts recovered by (Party) as a Matching Fund Grant with any Participating Public Utility.

Attached or set forth below is information sufficient to show that the matching fund requirement, as set forth in Section 6.5 of the First Amended and Restated Intervenor Funding Agreement or as the Commission may otherwise require, has been satisfied.

None of the above expenses are expenses for general operations, overhead, membership recruitment, fundraising or communications with members.

(Party name) declares that this is (choose one):

- \_\_\_\_\_ (A) A final request for all payments under this Approved Issue Fund Grant , for the full amount of the Approved Budget, and there are no remaining unused funds.
- \_\_\_\_\_ (B) A final request for all payments under this Approved Issue Fund Grant which, combined with any previous requests for payment, is less than the amount of the Approved Issue Fund Grant. The difference of \$XXXXXX is hereby released and made available to the (Participating Public Utility) Issue Fund.
- \_\_\_\_\_ (C) A request for partial payment and the remainder of the Approved Issue Fund Grant should continued to be reserved pending further Requests for Payment.

(Party Name) has satisfied any other conditions for this Approved Issue Fund Grant as set forth: (A) (describe in detail or (B) none applicable.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Authorized Signatory for Party  
Title  
Name

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**REQUEST FOR PAYMENT OF PREAUTHORIZED MATCHING FUND BY (PARTY) FOR (PARTICIPATING PUBLIC UTILITY) MATCHING FUND**

May be Designated as Confidential by Submitting Party  
 SUBMITTED TO COMMISSION AND PARTICIPATING PUBLIC UTILITY

**Statement of Eligible Expenses and Matching Funds**

|  | Eligible Proceedings |          |          |          | TOTAL  |
|--|----------------------|----------|----------|----------|--------|
|  | Docket A             | Docket B | Docket C | Docket D |        |
| (a) Actual attorney fees directly attributable to participation in proceeding  | \$xxx                | \$xxx    | \$xxx    | \$xxx    | \$xxx  |
| (b) Expert witness fees  | \$xxx                | \$xxx    | \$xxx    | \$xxx    | \$xxx  |
| (c) Apportioned wages for in-house staff directly related to participation   | \$xxx                | \$xxx    | \$xxx    | \$xxx    | \$xxx  |
| (d) Costs of preparing and copying studies, discovery materials, filing in the proceeding                            | \$xxx                | \$xxx    | \$xxx    | \$xxx    | \$xxx  |
| (e) Travel costs directly relating to participation in the proceeding  | \$xxx                | \$xxx    | \$xxx    | \$xxx    | \$xxx  |
| (f) Costs of studies, supplies directly related to the proceeding, fees, transcripts                                 | \$xxx                | \$xxx    | \$xxx    | \$xxx    | \$xxx  |
| (g) Cost of participation in workshops, informal PUC activities prior to proceeding                                  | \$xxx                | \$xxx    | \$xxx    | \$xxx    | \$xxx  |
| <b>Total of Eligible Expenses Billed Through _____</b>   | \$xxx                | \$xxx    | \$xxx    | \$xxx    | \$xxx  |
| <b>Amount of Preauthorized Matching Fund Grant Request</b>   |                      |          |          |          | \$xxx  |
| <b>In-House Resources or Outside Funding Used for Eligible Expenses</b>  |                      |          |          |          | \$xxx  |
| <b>Percentage of Party's In-House Resources or Outside Funding Used for Eligible Expenses (must be at least 50%)</b> |                      |          |          |          | _____% |

[Attached documentation demonstrates satisfaction of the requirement that submitting intervenor has used in-house resources or outside funding for at last 50% of Eligible Expenses in Eligible Proceedings.]

**Certification of Authorized Officer for Party:**

The above expenses were billed (Party Name) as of (Date) and were directly attributable to (Party's) participation in Docket Nos. A, B, C and D and qualify as Eligible Expenses for Eligible Proceedings under Section 7.2 of the Intervenor Funding Agreement. These expenses are in excess of any amounts recovered through Issue Fund Grants and/or other Matching Fund Grant Requests.

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Name of Authorized Signatory for Party  
 Title  
 Party Name