

ORDER NO. 14 002

ENTERED JAN 06 2014

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1673

In the Matter of

PUBLIC UTILITY COMMISSION OF
OREGON

Report to the Legislature on Effectiveness
of Incentive Programs for Solar
Photovoltaic Energy.

ORDER

DISPOSITION: APPLICATION FOR CASE CERTIFICATION GRANTED

On December 11, 2013, the Oregonians for Renewable Energy Progress (OREP) filed an Application for Case Certification under OAR 860-001-0120(4) and Article 5.3 of the Second Amended and Restated Intervenor Funding Agreement (Agreement). No party filed an objection to the request. For reasons explained below, we grant the application but clarify the nature of this proceeding.

I. DISCUSSION

To be case certified, an organization must meet certain criteria. These criteria are set forth below, along with OREP's position on each.

1. The organization must represent 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.

OREP states that it has approximately 900 members, including renewable energy interest groups, small customer generators who are participants or prospective participants in the current and successor incentive programs for the use of solar photovoltaic energy systems, and non-participant ratepayers who want a greater share of their electricity to

come from local, distributed renewable resources. OREP asserts that its involvement will be directed at public utility renewable energy program design and future rates and terms of service affecting those customers participating in the incentive programs.

2. The organization must demonstrate that it is able to effectively represent its particular group or class of customers.

OREP asserts that it is able to effectively represent its members and program participants in the Commission's incentive programs for solar photovoltaic energy. OREP explains that it was active in the passage of HB 3039, which gave rise to the solar pilot program, and HB 2893, which allowed increased cumulative nameplate capacity of qualifying solar photovoltaic energy systems enrolled in certain pilot programs. Further, OREP points to its work in AR 538 and UM 1452 wherein it represented the interests of the customer generators in the development of policy and administrative rules to implement the solar pilot program.

3. The organization's members, who are customers of one or more of the utilities affected by the proceeding, contribute a significant percentage of the overall support and funding of the organization.

OREP is member supported and nearly all of its funding comes from the donations of its members.

4. The organization demonstrates, or has 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.

OREP contends it has demonstrated in past Commission proceedings its ability to substantively contribute to the record on behalf of customer generators with respect to rates paid for solar photovoltaic energy, and the terms and conditions of service of incentive programs. Further, OREP states that it intends to retain the services of solar resource value rate experts conduct research, present testimony, and participate in hearings.

5. The organization demonstrates that:
 - a. 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
 - b. The specific interests of a class of customers will benefit from the organization's participation; and

- c. The organization demonstrates that its request for case-certification will not unduly delay the schedule of the proceeding.

OREP states that, as a broad-based group, it will represent the class of customer generators, present and prospective. OREP further states that all customers of PacifiCorp, dba Pacific Power, and Portland General Electric Company who support more distributed, local renewable energy will also benefit from OREP's participation in this docket.

OREP contends that no other party or pre-certified intervenor adequately represents these interests. OREP states that the Industrial Customers of Northwest Utilities represents large industrial customers, while the Citizens' Utility Board of Oregon represents the interests of residential ratepayers.

Finally, OREP asserts that its request for case-certification will not unduly delay the docket schedule.

II. CONCLUSION

We have reviewed the application and find that OREP meets all of the requisite criteria. The application should be granted.

We take this opportunity, however, to clarify the nature of this proceeding. OREP states that it intends to hire a solar resource value rate expert to "conduct research, present testimony, and participate in hearings."¹ Although this proceeding qualifies under the broad definition of an eligible proceeding for intervenor funding,² it is not a contested case proceeding. Rather, this proceeding is one solely to solicit comments from interested persons to help us in drafting a report to the Legislature. No testimony will be filed, and no evidentiary hearing will be held.

Due to the limited nature of this proceeding, we will carefully review any proposed budget submitted by OREP. Under Article 5.3 of the Agreement, the Commission may deny, in whole or in part, a request for intervenor funding based on a review of specified criteria, including the complexity of the proceeding and the amount of dollars at stake.

¹ OREP Application for Rate Certification at 4 (Dec 9, 2013).

² Article 1.3 of the Agreement defines "Eligible Proceeding" as "any Commission proceeding that directly affects one or more of the Participating Public Utilities, including, but not limited to, rulemaking proceedings, declaratory ruling proceedings, and contested case proceedings, but does not include complaint proceedings if one or more of the Participating Intervenors initiates or causes to be initiated the complaint proceeding." Order No. 12-452, App A at 7.

III. ORDER

IT IS ORDERED that the Application for Case Certification, filed by Oregonians for Renewable Energy Progress, is granted. A proposed budget should be submitted within 14 calendar days of the date of issuance of this order.

Made, entered, and effective JAN 06 2014.

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.