

ORDER NO. 20-187

ENTERED Jun 10 2020

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UE 374

In the Matter of

PACIFICORP d/b/a PACIFIC POWER

Request for a General Rate Revision.

ORDER

**DISPOSITION: APPLICATION FOR CASE CERTIFICATION GRANTED**

On March 10, 2020, the Small Business Utility Advocates (SBUA) filed a Petition for Case Certification. The SBUA request for case certification for intervenor funding purposes is filed under OAR 860-001-0120(4) and Article 5.3 of the Fourth Amended and Restated Intervenor Funding Agreement (Agreement). No party filed an objection to the request. For reasons explained below, we grant the application, but we also take notice that the balance of available funds in the PacifiCorp Issue Fund is less than \$100.

**I. DISCUSSION**

To be case certified, an organization must meet certain criteria. These criteria are set forth below, along with SBUA'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.

SBUA states that it represents small business customers, a group including businesses with 100 or fewer employees, as defined by the Oregon Small Business Development Act. SBUA states that its members include a broad and diverse group of these small business customers, and SBUA has provided to the Administrative Hearings Division (AHD) a list of current members through an *in camera* submission. SBUA states that a significant proportion of these customers are PacifiCorp customers.

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

SBUA asserts that it is able to effectively represent its members and program participants in this proceeding because its legal counsel has represented and provided legal counsel for over ten years to numerous Oregon small businesses and is experienced in energy and utility matters.

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.

SBUA has provided *in camera* information to AHD regarding its finances. SBUA states that its members provide the majority of the overall support and funding to the organization. SBUA notes that its members' support is broad and consists of money contributions, in-kind professional services, space and capital equipment, and general participation in the organization. SBUA states that a significant majority of the money support of the organization is derived from several of the Oregon SBUA 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.

SBUA notes that it participated effectively in multiple dockets to represent small businesses within the scope of that proceeding. SBUA notes that it has prepared expert testimony, filed documents, and participated in docket workshops and other proceedings. Additionally, to date, SBUA has participated actively in this proceeding, without any allocation of intervenor funding.

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.

SBUA states that, as a broad-based group, it will represent the class of small nonresidential customers.

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

**II. CONCLUSION**

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

**III. ORDER**

IT IS ORDERED that the Application for Case Certification, filed by Small Business Utility Advocates, is granted.

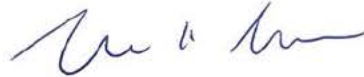
Made, entered, and effective Jun 10 2020.



**Megan Decker**  
Chair



**Letha Tawney**  
Commissioner



**Mark R. Thompson**  
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.