

ORDER NO. 21-378

ENTERED Oct 29 2021

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1356(14)

In the Matter of

AVISTA CORPORATION, dba AVISTA  
UTILITIES,

Application for Reauthorization to Defer  
Costs of Intervenor Funding Grants.

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its Special Public Meeting on October 26, 2021, the Public Utility Commission of Oregon adopted Staff's recommendation in this matter. The Staff Report with the recommendation is attached as Appendix A.



BY THE COMMISSION:

A handwritten signature in blue ink, appearing to read "Nolan Moser".

**Nolan Moser**  
Chief Administrative Law Judge

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 Circuit Court for Marion County in compliance with ORS 183.484.

**PUBLIC UTILITY COMMISSION OF OREGON  
STAFF REPORT  
SPECIAL PUBLIC MEETING DATE: October 26, 2021**

REGULAR  CONSENT  EFFECTIVE DATE November 1, 2021

**DATE:** October 7, 2021

**TO:** Public Utility Commission

**FROM:** Kathy Zarate

**THROUGH:** Bryan Conway, John Crider, and Matt Muldoon **SIGNED**

**SUBJECT:** AVISTA UTILITIES:  
(Docket No. UM 1356(14))  
Request for Re-authorization for Deferral of Costs Associated with  
Intervenor Funding Grants.

**STAFF RECOMMENDATION:**

Approve Avista Corporation's, dba Avista Utilities (Avista, AVA, or Company) application for reauthorization to defer costs associated with intervenor funding grants for the 12-month period beginning November 1, 2021.

**DISCUSSION:**

Issue

Whether the Commission should approve Avista's request for reauthorization to record and defer cost related to intervenor funding grants for the 12-month period beginning November 1, 2021.

Applicable Rule or Law

ORS 757.259(3) and OAR 860-027-0300 allow the deferral of expenses provided as financial assistance under an agreement entered into under ORS 757.072 for later incorporation in rates.

ORS 757.072 is the statute that authorizes a utility to enter funding agreements with organizations that represent broad customer interests in Commission proceedings. Once a funding agreement is approved by the Commission, organizations eligible to

receive grants under the funding agreement are identified pursuant to OAR 860-001-0120. When a public utility provides financial assistance under a funding agreement, ORS 757.072(4) states that the Commission must allow a public utility to defer inclusion of the funding provided in rates as provided in ORS 757.259. A deferral may be authorized under ORS 757.259(2) for a period not to exceed 12 months beginning on or after the date of application.

OAR 860-027-0300 specifies the required contents of an application for deferred accounting, including a description of the expense or revenue for which deferral is requested, the basis for the request, the accounts proposed for recording the amounts to be deferred, an estimate of the amounts to be recorded in the deferred account, and a copy of the notice of the application for deferred accounting.

### Analysis

#### *Background*

In Order No. 18-017, the Commission approved the Fourth Amended and Restated Intervenor Funding Agreement (IFA) between the Company, the Oregon Citizens' Utility Board, and Northwest Industrial Gas Users.<sup>1</sup> The IFA authorizes three funds from which grants could be made (the CUB Fund, the Preauthorized Matching Fund, and the Issue Fund). This IFA also provides authority for intervenors to request an increase in annual funding.

The IFA Agreement sets forth the amount available to CUB and AWEC, the procedures for budget submittals and funding requests, and payment of the grants by Avista. The Agreement provides that the Commission should allow Avista to recover all amounts paid under the Agreement and provides for amortization of amounts deferred under the Agreement.

The IFA also requires the costs of each fund to be allocated to the appropriate customer class. The CUB fund is generated from residential customer rates, while industrial customer rates support the Preauthorized Matching Fund (Matching Fund). The Commission allocates amounts related to the Issue Fund to align the costs of advocacy with the intended beneficiaries of the advocacy.

Pursuant to the IFA, Avista filed its initial deferral application on November 16, 2007, which the Commission approved in Order No. 08-015. The deferral is reauthorized annually, most recently in Order No. 20-356.

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<sup>1</sup> On April 1, 2018, NWIGU and ICNU combined to form the Alliance of Western Energy Consumers (AWEC).

*Reason for Deferral*

In accordance with OAR 860-027-0300(3)(b), the Company requests continuation of deferred accounting in order to recover amounts subject to the IFA in a later ratemaking proceeding. The Company's most recent authorization in Order No. 20-356 expired on October 31, 2021. Because Avista will continue to incur intervenor funding expenses pursuant to the IFA between it, CUB and AWEC, the Company requests reauthorization of this deferral starting November 1, 2021.

*Proposed Accounting*

Amounts are to be debited to deferred accounts only as the utility disburses funding to a qualifying Intervenor. The proposed deferrals will be recorded in separate sub-accounts of FERC Account 191, specifically Accounts 191720, 191721, and 191722.

*Current Deferral Activity*

In accordance with OAR 860-027-0300(4), Avista provided the following information regarding the deferral activity to the date of this application. Avista will seek recovery of these deferred amounts concurrent with its upcoming purchased gas cost (PGA) adjustment filing.

Order No.	CUB Fund (191720)	Preauthorized Matching Fund (191721)	Issues Fund (191722)
20-421			\$13,470
20-448			\$664
21-054			\$24,667
20-338		\$2,336	
21-025	\$44,500		
21-101		\$10,065	
Interest	\$2,846	\$626	\$2,818
<b>Balance at 06-30-2021</b>	<b>\$47,346</b>	<b>\$13,027</b>	<b>\$41,619</b>

*Estimated Deferral in Authorization Period*

At the time of its application, Avista estimated that the maximum deferred amounts during the 12-month period beginning November 1, 2021 through October 31, 2022, would be as shown in the following table.

Fund	Amount
CUB Fund	\$44,500
Preauthorized Marching Fund	\$42,505
Issues Fund	\$70,000

<b>Total</b>	<b>\$157,005</b>
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*Information Related to Future Amortization*

- Earnings Review – Pursuant to Commission Order No. 18-017, Appendix A at paragraph 7.9:

*If a Participating Public Utility seeks rate recovery through a deferred account, the account and amortization of the account shall be exempt from the amortization caps and earnings test set forth in subsections 5,6,7,8 and 10 of ORS 757.259, as such subsections may be amended from time to time, and shall not be included in any calculation of the amortization cap for other deferred accounts.*

- Prudence Review – For amortization, the prudence review should be limited to verification of the accounting methodology used to determine the final amortization balance.
- Sharing – This deferral is not subject to a sharing mechanism.
- Rate Spread/Design – Account balances are to be spread to the appropriate customer classes per Order No. 18-017, Appendix A at paragraph 7.7(b).
- Three Percent Test (ORS 757.259(6)) – The three percent test does not apply to amortization of this deferral. See “Earnings Review” above.

Conclusion

The Company's application meets the requirements of ORS 757.259 and OAR 860-027-0300 for deferred accounting, and the reason for the deferral – costs related to intervenor funding grants – is still valid. Therefore, Staff recommends the Commission approve Avista's application.

**PROPOSED COMMISSION MOTION:**

Approve Avista's application for reauthorization to defer the costs associated with intervenor funding grants for the 12-month period beginning November 1, 2021.