

ORDER NO. 21-419

ENTERED Nov 17 2021

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1102(18)

In the Matter of

PACIFICORP, dba PACIFIC POWER,

Request for Reauthorization of Deferred
Accounting for Costs Related to the
Intervenor Funding Grants.

ORDER

DISPOSITION: STAFF'S RECOMMENDATION ADOPTED

At its public meeting on November 16, 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
PUBLIC MEETING DATE: November 16, 2021**

REGULAR CONSENT EFFECTIVE DATE August 1, 2021

DATE: November 8, 2021

TO: Public Utility Commission

FROM: Mitchell Moore

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

SUBJECT: PACIFIC POWER:
(Docket No. UM 1102(18))
Requests Reauthorization of Deferred Accounting Regarding Intervenor
Funding Grants.

STAFF RECOMMENDATION:

Staff recommends the Commission approve Pacific Power's (Pacific, PAC, or Company) request for reauthorization to defer costs related to Intervenor Funding Grants for the 12-month period beginning August 1, 2021.

DISCUSSION:

Issue

Whether the Commission should approve Pacific's request for reauthorization of deferred accounting for costs related to Intervenor Funding Grants for the 12-month period beginning August 1, 2021.

Applicable Law

Pacific submitted a deferral application on July 28, 2021 pursuant to ORS 757.259(3) and OAR 860-027-0300. ORS 757.259 is the statute that authorizes deferred accounting and OAR 860-027-0300 is the Commission's rule related to such applications.

ORS 757.072 is the statute that authorizes a utility to enter funding agreements with organizations that represent broad customer interests in Commission proceedings.

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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.

Deferral of intervenor funding costs for Pacific was originally granted by the Commission in Order No. 03-560 and has been annually reauthorized, most recently in Order No. 20-290.

Analysis

Background

In Order No. 03-388, the Commission approved an Intervenor Funding Agreement (IFA) between various utilities including Pacific, and several intervenors including the Citizens' Utility Board of Oregon (CUB), and Industrial Customers of Northwest Utilities (ICNU). The IFA sets forth the funding amount to be contributed by each utility, the procedures for budget submittals by intervenors, Commission approval of budgets, and the payment of grants by utilities. It authorizes three funds with different qualification requirements for each. They are the CUB Fund, the Preauthorized Matching Fund, and the Issue Fund.

The IFA also requires the costs of each fund to be allocated to the appropriate customer class. The CUB fund is generated from residential rates, and industrial customers' rates include an increment to 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.

In its subsequent Order No. 07-564, the Commission approved an amended and restated IFA that extended intervenor funding until December 31, 2012. In its subsequent Order No. 15-335, the Commission approved an amended and restated IFA that extends intervenor funding until December 31, 2017.

Most recently, by Order No. 18-017, the Commission approved an amended and restated IFA that extends intervenor funding through December 2022. This IFA also provides authority for intervenors to request an increase in annual funding.

A second funding agreement, called the Multi-State Process Intervenor Funding Agreement (MSP Funding Agreement) was approved by the Commission in Order Nos. 12-110 and 12-122 in Docket UM 1586. This agreement provides funding for CUB and ICNU's participation in the ongoing process to address how system costs are allocated

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among PacifiCorp's six-state territory. This MSP Funding Agreement was amended and extended through December 31, 2018 by Commission Order No. 17-028. It was most recently extended and amended through December 31, 2023, by Commission Order 20-189.

Reason for Deferral

In accordance with OAR 860-027-0300(4)(b), the Company requests continuation of deferred accounting to recover amounts approved pursuant to ORS 757.072.

Proposed Accounting

Amounts are to be debited to deferred accounts only as the utility disburses funding to a qualifying intervenor. The proposed deferrals would be recorded in separate subaccounts of FERC Account 182.3 (Other Regulatory Assets). The Company would not normally incur the cost of intervenor funding grants without deferral approval. However, if such costs were incurred, they would be recorded in FERC Account 928 (Regulatory Commission Expenses).

Current Deferral Activity

In accordance with OAR 860-027-0300(4)(a), Pacific provided the following information regarding the deferral activity to the date of this application.

| New CUB Funding Grants Paid | Date | Amount | Docket / Commission Order |
|--|-------------|------------------|--------------------------------------|
| Issue Fund | 9/8/20 | \$7,400 | UE 375 / 20-267 |
| MSP Fund | 9/8/20 | \$45,000 | UM 1586 / 20-237 |
| Issue Fund | 11/30/20 | \$9,272 | UM 1968 / 20-436 |
| Issue Fund | 11/30/20 | \$54,000 | UE 374 / 20-420 |
| Issue Fund | 11/30/20 | \$17,685 | LC 70 / 20-419 |
| Issue Fund | 12/22/20 | \$3,481 | UM 2004 / 20-448 |
| Issue Fund | 12/22/20 | \$7,962 | UM 2024 / 20-452 |
| Grant Fund | 3/8/21 | \$101,125 | UM 1929 / 21-025 |
| | | | |
| Total CUB | | \$245,925 | |

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| AWEC(ICNU) Funding Grants Paid | Date | Amount | Docket / Commission Order |
|---|-------------|------------------|--------------------------------------|
| Issue Fund | 8/9/20 | \$13,500 | UE 375 / 20-235 |
| Issue Fund | 8/9/20 | \$40,000 | UE 374 / 20-236 |
| Matching Fund | 10/20/20 | \$99,474 | UM 1929 / 20-239 |
| Issue Fund | 11/30/20 | \$20,000 | UM 2024 / 20-418 |
| MSP Fund | 11/30/20 | \$7,261 | UM 1586 / 20-426 |
| Matching Fund | 5/9/21 | \$6,729 | UM 1929 / 21-110 |
| | | | |
| Total AWEC | | \$186,964 | |

Estimated Deferrals in Authorization Period

At the time of its application, Pacific estimated that the maximum deferred amounts during the 12-month period beginning August 1, 2021, will be as shown in the tables below.

| Intervenor Funds | Amount |
|-----------------------------|------------------|
| CUB Fund | 101,125 |
| Preauthorized Matching Fund | 72,738 |
| Issue Fund | 143,750 |
| MSP Fund | 90,000 |
| Total | \$407,613 |

Information Related to Future Amortization

- Earnings Review – Pursuant to Commission Order 18-017, Appendix A, page 28, 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

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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, page 27, 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

As the Company’s application meets the requirements of ORS 757.259 and OAR 860-027-0300, and the reason for the deferral is still valid, Staff recommends the Commission approve Pacific’s application.

PROPOSED COMMISSION MOTION:

Approve Pacific Power’s request for reauthorization to defer costs related to Intervenor Funding Grants for the 12-month period beginning August 1, 2021.

Pacific UM 1102(18) Intervenor Funding