

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 399

In the Matter of

PACIFICORP, dba PACIFIC POWER,

Request for a General Rate Revision,

ORDER

DISPOSITION: PETITION FOR CASE CERTIFICATION GRANTED

On April 13, 2022, the Small Business Utility Advocates (SBUA) filed a petition for case certification in this docket. 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, I grant the application, but deny SBUA's budget as inconsistent with the Commission's previous decisions on SBUA's contested case certification request as expressed in Order No. 22-304 in docket UM 2114, and Order No. 22-161 in docket UG 435.

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. 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 the Administrative Hearings Division regarding its finances. SBUA states that its members provide the majority of the overall support and funding to the organization, which the Commission has reviewed in the context of SBUA case certification requests in dockets UE 394, UG 435, and UM 2114.

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 pre-certified 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

I have reviewed the application and find that SBUA meets all of the requisite criteria. The application should be granted. However, SBUA's budget in this case should be denied. SBUA has submitted a total budget for this docket of \$21,170, purports to fund \$4,234 of that budget and requests \$16,936 in ratepayer funding. This budget is inconsistent with the Commission's determination in docket UG 435 that SBUA is eligible for a total of \$9,000 in ratepayer supported funding for all requests made this year, including requests in the other dockets in which SBUA is case certified, UM 2114 and UG 435. As of the date of this order, though invited to do so, SBUA has not submitted revised budgets in these dockets.

III. ORDER

IT IS ORDERED that the application for case certification, filed by Small Business Utility Advocates, is granted. SBUA's proposed budget is denied, and SBUA is invited to submit a revised budget consistent with Commission Order Nos. 22-304 and 22-161.

Aug 22, 2022

Made, entered, and effective _____.



Nolan Moser
Chief Administrative Law Judge
Administrative Hearings Division

