

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 416

In the Matter of

PORTLAND GENERAL ELECTRIC
COMPANY,

Request for a General Rate Revision and
2024 Annual Power Cost Update.

ORDER

**DISPOSITION: CASE CERTIFICATION REQUEST GRANTED AND PROPOSED
BUDGET FOR ISSUE FUND GRANT APPROVED**

On March 8, 2023, the Small Business Utility Advocates (SBUA) filed a notice of intent to request an Issue Fund grant from Portland General Electric Company (PGE).

On September 25, 2023, SBUA filed a motion for extension and a request for case certification pursuant to ORS 757.072, OAR 860-001-0120, and the Fifth Amended and Restated Intervenor Funding Agreement (Fifth IFA). Article 6.2 of the Fifth IFA, approved by the Commission in Order No. 22-506, provides that an intervenor that is not pre-certified must apply for case certification on or before the time it submits its notice of intent. Noting the heightened requirements for SBUA set forth in Order No. 23-444, I underscore that in the future SBUA's requests must be timely, i.e., SBUA must request case certification prior to or at the time of filing a notice of intent.

OAR 860-001-0120 delineates the criteria to become case certified, including that the organization be a nonprofit, represent interests of a board class of customers, demonstrate effective representation, have utility customer members that contribute a significant percentage of overall support and funding to the organization, demonstrate the ability to substantively contribute to the record on behalf of customer interests, show that no other representation in the proceedings adequately represents the specific interests of the class that will benefit from the organization's participation, and not unduly delay the proceedings. Here, I find that SBUA meets the criteria of OAR 860-001-0120.

On October 9, 2023, SBUA submitted a proposed budget for funds from the Issue Fund-Case Certified Account for approval by the Commission in UE 416 pursuant to the Fifth IFA.

Under the Fifth IFA, case certified intervenors must submit a proposed issue fund budget to the Commission that contains, at a minimum, the following information:

- (1) A statement of the work to be performed;
- (2) A description of the areas to be investigated;
- (3) A description of the particular customer class(es) that will benefit from the intervenor's participation;
- (4) Identification of the specific fund accounts from which the intervenor is seeking monies and an estimate of the amount of available funds in that account;
- (5) A budget showing estimated attorney, consultant and expert witness fees, which may include the cost for appropriate support staff and operations support;
- (6) A representation that the intervenor will use matching funds in the form of either in-house resources or outside funding to account for or pay at least 20 percent of the eligible expenses for which the intervenor is seeking an Issue Fund Grant.

In its proposed budget, SBUA describes its work to be performed, the areas to be investigated, and the customer class that will benefit from its participation -- Small Nonresidential customers. Also, SBUA notes its predicted expenses and the account from which it seeks Issue Fund grant funds -- the PGE Issue Fund-Case Certified Account. Specifically, SBUA shows eligible expenses of \$10,800 and seeks an Issue Fund grant of \$8,640, meeting the 20 percent matching requirement of the Fifth IFA. Thus, I find that SBUA meets the requirements of the Fifth IFA.

Additionally, pursuant to Order No. 23-444, SBUA must meet additional requirements separate from those of the Commission's rules or the Fifth IFA:

- (1) SBUA must demonstrate consistent independent policy and financial controls, separate from its contractors, including Diane Henkels.

- (2) SBUA must submit independent financial statements, that is financial statements prepared by an outside professional accountant or independent board member, on an annual basis, following the end of each fiscal year. This information must be provided to the Administrative Hearings Division no later than May 15 of each year.
- (3) All future payments to SBUA contractors must be made directly by SBUA. Should SBUA seek recovery from customers of any costs in any budget, SBUA must demonstrate in final reporting that SBUA paid for the asserted services. Evidence must demonstrate that SBUA has directly compensated its contractors. Given SBUA's history with our intervenor funding program, evidence of payments from SBUA contractors, for any service performed for SBUA, to other contractors, providers, or employees is cause for rejection of SBUA requests for funding.

Once a proposed budget is received, the Commission decides whether Issue Fund Grants are available for use based on factors identified in the IFA. The Commission has the authority to accept, deny, or partially deny the request, and may place reasonable conditions on the grant.

SBUA meets the criteria for case certification under OAR 860-001-0120 and has supplied all information necessary to meet the requirements of the Fifth IFA. No party provided a response to SBUA's proposal. Accordingly, I approve SBUA's proposed budget for issue fund grant on the condition that SBUA continues to meet the requirements imposed in Order No. 23-444; namely, demonstrating financial independence, paying contractors directly, and preparing an independent financial statement by May 15, 2024.

ORDER

IT IS ORDERED that:

1. The Small Business Utility Advocates is certified to receive Issue Funds in this docket.

2. The Small Business Utility Advocates' Proposed Budget for an Issue Fund Grant Case-Certified Account is approved on the condition that it meets the requirements imposed in Order No. 23-444.

Made, entered, and effective Nov 29, 2023.



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 Court of Appeals in compliance with ORS 183.480 through 183.484.