

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 2211

In the Matter of

PUBLIC UTILITY COMMISSION OF  
OREGON,

Approval of a One-year Extension of  
HB 2475 Intervenor Funding Agreement.

ORDER

DISPOSITION: ADMINISTRATIVE HEARINGS DIVISION'S  
RECOMMENDATION ADOPTED

At its public meeting on October 1, 2024, the Public Utility Commission of Oregon adopted the Administrative Hearings Division's recommendation in this matter. The report with the recommendation is attached as Appendix A.

BY THE COMMISSION:



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**Alison Lackey**  
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.

ITEM NO. CA11

**PUBLIC UTILITY COMMISSION OF OREGON  
PUBLIC MEETING REPORT  
PUBLIC MEETING DATE: October 1, 2024**

**REGULAR**  **CONSENT**  **EFFECTIVE DATE** \_\_\_\_\_ **N/A**

**DATE:** September 30, 2024

**TO:** Public Utility Commission

**FROM:** Alison Lackey **SIGNED**

**SUBJECT:** ADMINISTRATIVE HEARINGS DIVISION:  
Docket No. UM 2211 – Approval of a One-Year Extension of HB 2475  
Intervenor Funding Agreement

**ADMINISTRATIVE HEARING RECOMMENDATION:**

Approve the attached extension to the agreement for funding for environmental justice and low-income organizations consistent with House Bill (HB) 2475 (2021).

**DISCUSSION:**

Issue

Whether the Commission should approve a one-year extension to the agreement negotiated by Rogue Climate; VERDE; the Community Energy Project (CEP); Portland General Electric Company (PGE); PacifiCorp, dba Pacific Power; Northwest Natural Gas Company, dba NW Natural; Idaho Power Company; Avista Corporation, dba Avista Utilities; and Cascade Natural Gas Corporation.

Applicable Rule or Law

On September 25, 2021, HB 2475 was enrolled into state law. As enrolled, HB 2475 took effect January 1, 2022. HB 2475 provides for the Commission to administer intervenor funding agreements that public utilities may enter into with two distinct groups of advocates; those representing “environmental justice communities” and “low-income communities.”

Sections (3) and (4) expand the types of entities that are eligible for intervenor funding under ORS 757.072(1). The intervenor funding statute passed in 2001 provides that an energy utility may enter into a written agreement with organizations that represent “broad customer interests in regulatory proceedings” to govern the manner in which

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financial assistance may be provided to the organization. HB 2475 expands eligibility for such funding to include organizations that represent the interests of:

- 1) Low-income residential customers; and
- 2) Residential customers that are members of environmental justice communities

HB 2475 requires the PUC to determine, by rule, the qualifications for determining which organizations are eligible for financial assistance and limits the amount of new funding to \$500,000 annually. The PUC was required to establish a process for organizations to access financial assistance and must evaluate and approve intervenor funding agreements. ORS 757.072(4) provides that, for all financial assistance under the intervenor funding law, the Commission shall allow the public utility to recover such financial assistance in rates.

### Background

AHD worked with interested parties to develop the Environmental Justice Communities funding agreement, which was approved by the Commission at its February 7, 2023 regular public meeting. At its April 18, 2023 regular public meeting, the Commission adopted rules in Docket No. AR 652 to implement that agreement. The Environmental Justice Communities funding agreement is effective through December 31, 2024.

On August 14, 2024, I issued a memorandum in Docket No. UM 2211 soliciting comment on a one-year extension of the agreement until December 31, 2025, and a proposed approach for negotiating a successor agreement in 2025.

Avista, the Oregon Citizens' Utility Board (CUB), NW Natural, and CEP filed individual comments. PGE, PacifiCorp, and Idaho Power Company jointly filed comments. In their comments, Avista and NW Natural expressed support for the extension and the proposed approach for negotiating a successor agreement. CEP also expressed strong support for the extension and emphasized the importance of continuing to use a process that includes advocacy groups leading and negotiating the successor agreement. In its comments, CEP also discussed the importance of this agreement in enabling environmental justice organizations to advocate for the communities they serve. CUB also agreed with a one-year extension and also stated that it is willing to continue providing support to impacted organizations regarding justice funding if requested. In their joint comments, PGE, PacifiCorp, and Idaho Power stated that they do not object to the one-year extension and support a streamlined process for revising the agreement in 2025, explaining that they do not currently foresee a need for extensive revisions.

### Discussion

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Due to the significant workload for the Commission and numerous parties associated with major pending proceedings for the remainder of this year and limited time ahead of the current precertification application deadline, I recommend adoption of the one-year extension of the current agreement, through December 31, 2025. This extension will provide certainty for organizations regarding the process and timing for obtaining funding for calendar year 2025 through a precertification process in November consistent with OAR 860-001-0850. It will also allow more time for interested persons to engage on priorities in a comprehensive process for developing a successor agreement in 2025, to be effective in 2026.

If the extension is approved, I anticipate that the process for a successor agreement would commence in February or early March 2025, with the goal of presenting an agreement to the Commission for approval at a regular public meeting in September or early October 2025. The first step in negotiating a successor agreement will be soliciting recommendations regarding the process, including timeline and roles, and identifying interested parties' priorities. The prior negotiation process was structured to develop a comprehensive, single agreement applicable to all utilities. Within that process several advocacy groups served as lead negotiators, with the lead negotiators convening a larger group of all interested advocates to gather feedback on significant questions. The Administrative Hearings Division facilitated the negotiation and produced agreement drafts. Additionally, CUB provided support for the negotiation by providing expertise on issues associated with historical intervenor funding. As noted above, CUB has expressed willingness to continue providing support if requested.

The signatories to the Environmental Justice Communities funding agreement all support extending the term of the agreement and have executed the attached extension. AHD recommends that the Commission approve this extension.

**PROPOSED COMMISSION MOTION:**

Approve the one-year extension of the agreement between Rogue Climate, VERDE, CEP, PGE, PacifiCorp, NW Natural, Idaho Power, Avista, and Cascade attached to this report as Attachment 1.

**EXTENSION OF ENVIRONMENTAL JUSTICE COMMUNITIES  
FUNDING AGREEMENT**

This Extension of the Environmental Justice Communities (Justice Community) Funding Agreement (Agreement) is by and among PacifiCorp, dba Pacific Power; Portland General Electric Company (PGE); Northwest Natural Gas Company, dba NW Natural; Idaho Power Company; Avista Corporation, dba Avista Utilities; Cascade Natural Gas Company; Community Energy Project (CEP); Rogue Climate; and Verde (individually, a “Party” and collectively, the “Parties”). The modifications to the Agreement that are necessary to implement this change is set forth below. Unless modified below, the provisions of the Agreement will continue in effect through the extension period.

Recitals

Whereas the parties wish to extend the term of the Agreement, effective February 8, 2023, through December 31, 2024, for a one-year period beyond the term established in Article 2 of the Agreement, to be effective through December 31, 2025.

Article 2  
Term

The Agreement shall be effective beginning on the Effective Date of this Agreement and shall continue in effect until December 31, 2025, unless terminated earlier pursuant to the terms of Article 8 of the Agreement (the “Term”).

IN WITNESS WHEREOF, the Parties have executed this Extension to be effective as October 1, 2024.

PORTLAND GENERAL ELECTRIC  
COMPANY

*Larry Bekkedahl*

By: Larry Bekkedahl  
Its: Senior Vice President, Strategy and  
Advanced Energy Delivery

PACIFICORP

*Matthew McVee*

By: Matthew McVee  
Its: Vice President, Regulatory Policy  
and Operations

NORTHWEST NATURAL GAS  
COMPANY

*Zach Kravitz*

By: Zach Kravitz  
Its: Vice President of Rates and Regulatory  
Affairs

CASCADE NATURAL GAS  
CORPORATION

*Lori Blattner*

By: Lori Blattner  
Its: Director of Regulatory Affairs

AVISTA UTILITIES

*Patrick Ehrbar for David Meyer*

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By: David Meyer  
Its: Vice President and Chief Counsel for  
Regulatory and Governmental Affairs

IDAHO POWER COMPANY

*Tim Tatum*

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By: Tim Tatum  
Its: Vice President of Regulatory Affairs

COMMUNITY ENERGY PROJECT

*Charity Fain*

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By: Charity Fain  
Its: Executive Director

VERDE

*Blythe Garma*

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By: Blythe Garma  
Its: Deputy Director

ROGUE CLIMATE

*Colleen Dixon*

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By: Colleen Dixon  
Its: Interim Executive Director