

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

LC 85

In the Matter of

PACIFICORP, dba PACIFIC POWER,

2025 Integrated Resource Plan and Clean
Energy Plan.

ORDER

**DISPOSITION: CASE CERTIFICATION REQUEST GRANTED; PROPOSED
BUDGET APPROVED**

On September 16, 2025, the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) filed a notice of intent to participate in this docket, a notice of intent to request a Justice Funding Case Fund Grant, a request for case certification, a proposed budget, and a request for 50 percent payment consistent with consistent with Order Nos. 23-033 and 24-337, and OAR 860-001-0800 through OAR 860-001-0900.

To be eligible for a Case Fund grant, an organization must:

- a. demonstrate that it represents the interests of low-income residential customers or Environmental Justice Communities, and participation in proceedings will be primarily directed at public utility issues affecting those interests, including but not limited to interests in utility rates and terms and conditions of service, interests in the cost of access and impact from the delivery of services, interest in utility programs, and interest in utility resource planning;
- b. indicate the particular Environmental Justice Community or low-income customers it represents and demonstrate that it is able to effectively represent them;
- c. demonstrate that it is able to effectively represent or develop advocacy positions benefitting or informed by the Environmental Justice Community or low-income customers, in the service area of each utility for which funding is sought and demonstrates how it will identify the issues or advocacy positions that are important to them; and
- d. where applicable, indicate where in past Commission matters the organization demonstrated the ability to substantively contribute to the record on behalf of such interests.

In its application, the organization must identify:

- a. the matter or matters in which the applicant intends to participate, the nature of that participation, and why these matters are Eligible Proceedings;
- b. the Participating Public Utility account or accounts from which the applicant seeks funds; and
- c. a budget showing estimated Eligible Expenses, which may include the cost for appropriate support staff and operational support; a budget showing estimated consultant fees, expert witness fees, or contractor costs, which also may include the cost for appropriate support staff and operational support.

The Commission may, but is not obligated to consider any of the following factors in evaluating the application:

- a. the breadth and complexity of the issues or the importance of community participation;
- b. the degree to which any policy issues affect the interests of low-income residential customers or the interests of residential customers that are members of Environmental Justice Communities;
- c. the proposed budget;
- d. whether the organization has significant ties to the Environmental Justice Community or low-income customers in the service area of each utility for which pre-certification or funding from a Case Fund is sought;
- e. the qualifications of the applicant and experience before the Commission; and
- f. the level of available funding available under the agreement.

In its application, CTUIR states that it satisfies the eligibility criteria contained in OAR 860-001-0840(1) and (2). CTUIR explains that it is a Federally Recognized Indian Tribe with sovereign authority to oversee and govern the conduct of persons and activities within the boundaries of the Umatilla Indian Reservation (UIR), a geographically distinct area of land of approximately 273 square miles in a rural and remote part of northeastern Oregon. CTUIR states that the entirety of the UIR qualifies as a distinct Environmental Justice Community (EJC) because it contains a distinct tribal community as well as communities experiencing lower incomes, rural communities, communities with limited infrastructure, and other communities traditionally underrepresented in public processes. CTUIR states that PacifiCorp provides service to residential customers within the UIR, the majority of whom are either Native American and/or qualify as low-income.

CTUIR notes that as an integrated resource plan proceeding, this is an eligible proceeding per OAR 860-001-0830(1) and that this proceeding will impact, among other things, the

characteristics and content of the generation resources portfolio PacifiCorp will use to serve its EJs and the corresponding environmental and rate impacts that result from the contents of the chosen portfolio.

CTUIR states that in this docket it intends to focus on issues affecting PacifiCorp's service within the UIR EJC, including but not limited to potential impacts of the 2025 IRP/CEP on PacifiCorp's rates and terms and conditions of service, cost of access to PacifiCorp's distribution system and the impact on the CTUIR's ability to implement the policy proposals and strategies contained in CTUIR's Strategic Energy Plan, which is designed to benefit PacifiCorp customers located within the UIR.

No party objected to CTUIR's notice of intent, certification request, or proposed scope of work, or contested its ability to represent PacifiCorp's customers.

I agree that CTUIR qualifies as an eligible organization under Order No. 23-033 and OAR 860-001-0840. I find that docket LC 85 qualifies as an eligible proceeding because it is an integrated resource plan proceeding that is anticipated to have a substantial impact on PacifiCorp customers within the UIR. Accordingly, CTUIR's request for case certification should be granted.

In its proposed budget, CTUIR requests \$29,600 from the 2025 PacifiCorp Case Fund. CTUIR included a proposed budget for consideration upon being deemed eligible for case funds. CTUIR's budget contains descriptions of eligible expenses, identifies the utility account from which it requests funds, and includes a statement of work. In its budget, CTUIR describes expenses for reviewing filings and comments, attending workshops and other Commission proceedings, providing written comments, and coordinating with other LC 85 participants with similar interests. CTUIR states that it anticipates incurring in-house staff and legal counsel costs that would constitute eligible expenses, but that it will absorb these costs to reduce the impact on the case fund account. CTUIR requests an up-front payment of 50 percent of the grant in accordance with Article 7.2 of the Justice Funding Agreement.

CTUIR's proposed budget includes the requisite information and reflects the current schedule adopted in these dockets. No party opposed CTUIR's proposed budget. Considering the issues being addressed, the complexity of the issues and the significant policy decisions to be made, CTUIR's proposed budget is reasonable and should be approved. Accordingly, the request for a case fund grant and a 50 percent up-front payment should be granted.

The Commission has the authority to accept, deny, or partially deny the request, and may place reasonable conditions on the grant, and may delegate this responsibility to the Chief Administrative Law Judge, consistent with Order No. 21-213.

ORDER

IT IS ORDERED that:

1. The Confederated Tribes of the Umatilla Indian Reservation is certified to receive Case Funds in this docket.
2. The Confederated Tribes of the Umatilla Indian Reservation's proposed budget is approved; and
3. A Justice Funding Case Fund Grant is approved for the Confederated Tribes of the Umatilla Indian Reservation up to \$29,600 from the 2025 PacifiCorp Case Fund for activity in docket LC 85.
4. PacifiCorp, dba Pacific Power pay \$14,800 from the 2025 PacifiCorp Case Fund to the Confederated Tribes of the Umatilla Indian Reservation within 30 days after receipt of this order, and the grant be assessed to PacifiCorp, dba Pacific Power's residential customers.

Made, entered, and effective Oct 7, 2025.



Alison Lackey
Chief Administrative Law Judge

