

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 2389

In the Matter of

PUBLIC UTILITY COMMISSION OF
OREGON,

House Bill 2475, Environmental Justice
Communities Funding Agreement.

ORDER

**DISPOSITION: ADMINISTRATIVE HEARINGS DIVISION'S RECOMMENDATION
ADOPTED**

At its public meeting on October 14, 2025, the Public Utility Commission of Oregon adopted the Administrative Hearings Division's recommendation in this matter. The Staff Report with the recommendation is attached as Appendix A.

BY THE COMMISSION:



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. RA1

**PUBLIC UTILITY COMMISSION OF OREGON
ADMINISTRATIVE HEARINGS DIVISION REPORT
PUBLIC MEETING DATE: OCTOBER 14, 2025**

REGULAR X **CONSENT** **RULEMAKING** **EFFECTIVE DATE** N/A

DATE: October 8, 2025

TO: Public Utility Commission

FROM: Katharine Mapes, Administrative Law Judge

THROUGH: Alison Lackey, Chief Administrative Law Judge **SIGNED**

SUBJECT: ADMINISTRATIVE HEARINGS DIVISION:
(Docket No. UM 2389)
House Bill 2475, Environmental Justice Communities Funding Agreement.

RECOMMENDATION:

- 1) Approve the attached agreement for funding for environmental justice and low-income organizations consistent with House Bill (HB) 2475 (2021).
- 2) Find that Community Energy Project, Verde, Coalition of Communities of Color, the Community Action Partnership of Oregon, and the Oregon Just Transition Alliance are Eligible Recipients under the agreement and OAR 860-001-0840.
- 3) Issue a notice of proposed rulemaking to consider adoption of proposed amendments to the Division 001 Justice Funding Rules.

DISCUSSION:

Issues

Whether the Commission should approve the Environmental Justice Communities Funding Agreement between 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 Corporation; Community Energy Project; Verde; Coalition of Communities of Color; the Community Action Partnership of Oregon; and Oregon Just Transition Alliance, attached as Attachment A.

Whether Community Energy Project, Verde, Coalition of Communities of Color, the Community Action Partnership of Oregon, and the Oregon Just Transition Alliance are Eligible Recipients under the agreement and OAR 860-001-0840.

Docket No. UM 2389
October 8, 2025
Page 2

Whether the Commission should issue a notice of proposed rulemaking to consider adoption of proposed amendments to the Division 001 Justice Funding Rules.

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 is legislation with two components. One component is designed to address issues associated with energy burden, and it permits utilities and the Commission to take action to relieve energy burden for certain classes of customers. The second component of the legislation 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 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

Prior Agreement

On February 1, 2023, the Commission approved a prior agreement between many of these same parties implementing the provisions of HB 2475. The agreement was negotiated between the parties using a collaborative process. AHD convened a large group of advocates interested in HB 2475 funding. The goal throughout the negotiations was that participants, not AHD, would drive the substantive conversation and points of agreement. After broad principles were reviewed, a draft straw agreement was

Docket No. UM 2389
October 8, 2025
Page 3

produced, and principles were reflected in a written agreement. Following this, negotiation sessions were held throughout the year where specific language or sections were proposed and reviewed by the parties, or proposed and drafted by AHD, as reflections of compromise. Ultimately, parties came to an agreement in principle in late 2022, and final drafting was completed early in 2023. That agreement expired by its terms on December 31, 2024. On September 30, 2024, the Commission approved a 1-year extension of the agreement, which runs until December 31, 2025.

New Negotiated Agreement

As the extension approached its expiration date, AHD worked with interested parties to develop a successor agreement. On February 24, 2025, I issued a memorandum soliciting comments on the prior agreement and what parties hoped to see in a successor agreement. Subsequent to that, AHD convened a stakeholder group of interested parties to discuss redlines to the existing agreement and what changes would need to be made in the successor. That successor agreement has been executed by each party and is attached as Attachment A.

In general, relatively few changes were made to the form and structure of the existing agreement. Parties agreed that the framework of the existing agreement generally suited their needs. In particular, the agreement continues to provide for two types of funds—a pre-certification fund that will give grants to up to five organizations at the beginning of each year in anticipation of their participation in a wide range of dockets and a case fund, in which organizations, pre-certified or not, may apply for grants to participate in specific proceedings. Entities must apply to a particular utility’s fund. The funding allocation, set forth in the table, remains unchanged from the prior agreement.

	NW Natural	PacifiCorp	PGE	Idaho Power	Avista	Cascade
Precertification Fund (60%)	\$85,000	\$85,000	\$85,000	N/A	N/A	N/A
Case Fund (40%)	\$56,667	\$56,667	\$56,667	\$25,000	\$25,000	\$25,000

A balance in any of the fund accounts that is unused in any year, including at the expiration of the prior agreement, will be carried over at the end of the calendar year and made available subject to a cap that the amount carried over may not exceed the annual amount allocated to such fund account.

Certain changes were made to this new agreement to clarify the parties’ rights and responsibilities under the agreement. For instance, the new agreement clarifies that the “costs of training or educational opportunities for in-house staff to facilitate participation in an Eligible proceeding” is an eligible expense. It also adds an audit provision to allow

Docket No. UM 2389
October 8, 2025
Page 4

the Commission to audit the relevant records of a Grant Recipient up to three years from receipt of the grant. On a ministerial level, certain deadlines were consolidated on one date—November 17—to limit the number of deadlines that grant recipients need to track.

Eligible Recipients

In order to streamline the process of applying for pre-certification and case funding grants for the 2026 calendar year, AHD requests that the Commission determine that signatory organizations to the agreement are Eligible Recipients for grant funding under the agreement. The agreement defines Eligible Recipients as follows:

“Eligible Recipient” means an organization that represents the interests of low-income residential customers or of customers that are members of Environmental Justice Communities as described in statute and that meets the criteria specified below in Sections 5.3 and 6.1 of the Agreement;

The criteria in Sections 5.3 and 6.1 of the Agreement are as follows:

- (a) The organization 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) The organization indicates the particular Environmental Justice Community or low-income customers it represents and demonstrates that it is able to effectively represent them;
- (c) The organization demonstrates 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 Participating Utility for which pre-certification is sought and demonstrates how it will identify the issues or advocacy positions that are important to them; and
- (d) Where applicable, the organization has demonstrated in past Commission matters the ability to substantively contribute to the record on behalf of such interests.

Docket No. UM 2389
 October 8, 2025
 Page 5

The Commission may also consider whether the organization has significant ties to the Environmental Justice Community or low-income customers in the service area of each Participating Public Utility for which pre-certification or case funding is sought.

AHD believes that each of the signatory organizations meets these criteria and should be considered an Eligible Recipient for purposes of pre-certification and case funding.

Information about each signatory organization follows.

Community Energy Project

Community Energy Project (CEP) is a 501(c)(3) community-based organization that represents Oregon's frontline communities, who are vulnerable to the uncertainty posed by climate change. CEP's mission is to partner with low-income communities on the frontlines of climate change to create more resilient, efficient, and healthy homes.

CEP states it has been dedicated to creating a sustainable, equitable, and green future for our clients since 1979. CEP states it has worked to ease the energy burden on frontline communities and has become a part of a larger movement toward electrification to decrease carbon emissions and improve air quality. CEP does this by providing direct in-home safety repairs, weatherization, and energy efficiency upgrades for vulnerable and underserved populations. It primarily serves the Metro region, and most of its clients are PGE, PacifiCorp and/or NW Natural customers, but its program offerings and advocacy efforts have spread throughout the state. Its clients include seniors, people with disabilities, women, people experiencing low income, people of color, and other historically marginalized groups. CEP annually serves over 2,000 residents. During its most recent fiscal year, 51% of its clients were renters, 45% were homeowners, 60% of its clients were people of color, 88% of its clients were at or below 50% Median Family Income and 75% identify as women or nonbinary. Also, 49% were seniors and 36% had someone in their household with a disability.¹

Based on the explanation of CEP's application as to why CEP is an Eligible Recipient under the agreement and rules, I recommend the Commission find CEP an Eligible Recipient for grants from PGE, PacifiCorp, and NW Natural funds.

¹ CEP states that the areas they intend to participate using 2026 justice funding grants include UM 2211 - Implementation of HB 2475; the implementation dockets for HB 3456 (Power Act) and HB 3179 (FAIR Energy Act); AR 671 - Division 21 Customer Protections; UM 2340, UM 2207, UM 2208, UM 2209 - Wildfire Mitigation Planning; LC 80 - PGE CEP/IRP, LC 85 - PAC CEP/IRP, LC 79 - NWN's IRP; Energy Trust of Oregon - Conservation Advisory Council; ETO 1 - Energy Trust of Oregon Multiyear plan; UM 2362 - PGE Distribution System Plan; rate cases; community engagement before the PUC; and general PUC planning.

Docket No. UM 2389
October 8, 2025
Page 6

Coalition of Communities of Color

Coalition of Communities of Color (CCC) is a 501(c)(3) organization with a mission to support a collective racial justice effort to improve outcomes for communities of color through policy analysis and advocacy, environmental justice, and culturally appropriate data and research. CCC is strongly rooted in Oregon's communities of color with more than a decade of experience building intentional relationships across communities and organizations of color. CCC engages in local and statewide policy development that centers the needs and lived experiences of low-income, communities of color. CCC's environmental justice work is rooted in the belief that impacted communities are experts, and that this expertise is critical to developing strategies and solutions that lead the way to a more equitable and resilient future. CCC has gained expertise in utility planning and energy affordability programs and has built partnerships with other community and energy justice advocates to elevate environmental justice priorities within the PUC. Over the past four years, CCC has been involved in dockets relating to distribution systems planning, utility implementation of clean energy goals, low-income programs and disconnection protections, and several general rate cases. CCC represents customers living in PacifiCorp, PGE, and NW Natural service territories.

Based on the explanation of CCC's application as to why CCC is an Eligible Recipient under the agreement and rules, I recommend the Commission find CCC an Eligible Recipient for grants from PGE, PacifiCorp, and NW Natural funds.

Community Action Partnership of Oregon

Community Action Partnership of Oregon (CAPO) is a 501(c)(3) association of the 18 Community Action Agencies (CAA) in Oregon that regionally administer a range of anti-poverty programs, including low-income weatherization and utility assistance programs targeted for Oregonians with incomes at or below 60 percent of State Median Income. CAA clients include seniors, people with disabilities, people of color, and other historically marginalized groups, all with disproportionately high energy burdens. In 2024, CAAs served more than 70,000 low-income households through their energy programs, including customers of all six investor-owned utilities, positioning the community action network (through CAPO) to advocate on behalf of low-income utility customers. CAAs help low-income people with utility bill payment assistance and weatherization through contracts with Oregon Housing and Community Services to deliver federal programs including LIHEAP and DOE WAP, as well as through agreements with IOUs. The CAA network also manages and delivers ECHO funding specific to low-income weatherization. CAPO identifies utility policy issues and advocacy positions in partnership with the CAA network, specifically supporting a utility policy program within the organization's Oregon Training Institute, the only IREC accredited weatherization

Docket No. UM 2389

October 8, 2025

Page 7

workforce training program in the state, to work closely with CAA program staff to uplift stories, experiences, insights and recommendations. Over more than eight years, CAPO and network CAA programs have been involved in OPUC dockets and contributed to the record relating to low-income energy burden, effects of COVID-19 pandemic on utility customers, permanent and temporary customer disconnection protections and a PGE general rate case.

Based on the explanation of CAPO's application as to why CAPO is an Eligible Recipient under the agreement and rules, I recommend the Commission find CAPO an Eligible Recipient for grants from all six investor-owned utility funds.

Oregon Just Transition Alliance

Oregon Just Transition Alliance (OJTA) is a movement of over 20 communities facing environmental racism, climate change, and economic exploitation—the frontlines of injustice and the frontlines of change. OJTA was founded in 2017 by OPAL Environmental Justice which has since dissolved, to move Oregon toward an economy that is rooted in our shared values, the principles of a Just Transition. Currently OJTA works to bring together and represent advocacy groups, community-based organizations, and community members committed to base-building in frontline communities and work on the intersections of climate justice, energy affordability and energy justice, and environmental justice policy.

OJTA represents and partners with alliance members in PGE territory in the Portland Metro region, PacifiCorp territory in Southern Oregon, NW Natural territory in Western Oregon, and Cascade Natural Gas in Central/East Oregon. Throughout all the geographic regions, OJTA's priorities in both legislative policy and rulemakings remain how energy rates and programs, utility development, and the transition to clean energy pursuant to HB 2021 impacts or benefits lower income communities and environmental justice communities. Thus, it represents the interests of such communities on a wide geographic scale, and its members are customers of one or more of the utilities that are parties to the applicable agreement and contribute a significant portion of the overall support and funding.²

Based on the explanation of OJTA's application as to why OJTA is an Eligible Recipient under the agreement and rules, I recommend the Commission find OJTA an Eligible

² OJTA intends to be involved in the following proceedings using 2026 justice funding: UM 2211 - Implementation of HB 2475; HB 3179 (Fair Energy Act) Implementation; and general PUC planning. It has also contributed comments in UE 433, UM 2225, LC 82, LC 80, UM 2340, and UM 2273. It intends to be involved in dockets that concern IRP and rate cases; decarbonization/electrification; energy affordability for low-income ratepayers; equity in energy efficiency; grid equity; and community resilience.

Docket No. UM 2389

October 8, 2025

Page 8

Recipient for grants from PGE, PacifiCorp, NW Natural, and Cascade Natural Gas funds.

Verde

Verde serves communities by building environmental wealth through social enterprise, outreach, and advocacy. Since 2005, Verde has brought environmental infrastructure to low-income neighborhoods and engaged residents to design and implement these projects. Verde is a 501(c)(3) community-based organization that represents environmental justice communities, in particular in the Cully neighborhood, mostly in Pacific Power territory and a small corner in Portland General Electric territory, and more broadly across the state through collaborative coalition work.

Verde is one of the longest-running people of color-led environmental organizations in Oregon. Verde serves communities by building environmental wealth through social enterprise, outreach, and advocacy. It reinterprets sustainability as an anti-poverty strategy. Since 2005, Verde has brought environmental infrastructure to low-income neighborhoods, engaged residents to design and implement these projects, and ensured that environmental investments contribute to community well-being.³

Based on the explanation of Verde's application as to why Verde is an Eligible Recipient under the agreement and rules, I recommend the Commission find Verde an Eligible Recipient for grants from PGE and PacifiCorp funds.

Rulemaking

The draft rules are attached to this memorandum as Attachment B.

Rule Summary, Statement of Need, and Fiscal Impact

At the same time as the parties revised the agreement, they also realized that certain revisions needed to be made to the administrative rules implementing the agreement, largely for the sake of consistency. For instance, the rules, like the agreement, provide that grant funds can be used for training in-house staff to facilitate participation in commission proceedings. They also, like the agreement, consolidate deadlines for parties' administrative convenience. In particular, the changes to the rules are:

³ Verde states that it intends to participate in the following dockets using 2026 justice funding: UM 2405, AR 675, AR 677, AR 678 (HB 3179 Implementation); UM 2211 (Implementation of HB 2475); the PacifiCorp and PGE transportation electrification plans; UM 2274 (PGE's RFP); UM 2340 (guidelines for Wildfire Mitigation Plans); Utility IRP and CEP dockets; IRP guideline revisions; and utility electric Distribution System Plans.

Docket No. UM 2389

October 8, 2025

Page 9

- Updating the definition of “Agreement” to ensure the correct agreement is referenced.
- Adding a definition of “Grant Recipients” for consistency throughout the rules.
- Clarifying that organizations may demonstrate eligibility for justice funding by facilitating participation by environmental justice or low-income organizations or customers with significant ties to the service area of each Participating Public Utility for which the Justice Funding Grant is sought.
- Adding an audit provision that mirrors the audit provision in the agreement and provides for Commission audit of relevant records of grant recipients within 3 years of the order approving the grant.
- Streamlining deadlines to reduce administrative burden.
- Clarifying that justice funding may be used for training for in-house staff.
- Adding internal rule references for consistency.
- Correcting typographical errors.

These revisions are necessary to ensure consistency with the agreement, to clarify the parties’ rights and obligations under the agreement, and to streamline the rules and make them internally consistent.

There is no anticipated fiscal impact of the proposed rule changes.

Affected Stakeholders and Level of Stakeholder Engagement

The rule revisions in question were discussed in detail with a stakeholder group consisting of the signatories to the agreement, both justice fund grantees and participating utilities. AHD held two workshops to discuss the revisions to the rules (and agreement) and circulated drafts amongst that group.

We anticipate that groups that did not sign the agreement will apply for justice funding and thus also be affected by the rule change. However, these changes are aimed at streamlining participation in grant funding and clarifying that a broader scope of activities are allowable under the justice funding agreement. Accordingly, we do not believe these groups will be negatively impacted by the proposed rule changes.

Summary of Informal Workshops and Stakeholder Comments

I issued a memo seeking comments on the agreement and associated rules on February 24, 2025. Comments in response were filed by numerous entities. Avista and NW Natural stated that they supported a similar agreement to the current agreement. CEP, Verde, and CCC filed comments asking that pre-certified organizations need not continually demonstrate their eligibility for funding; that the PUC consider consolidating

Docket No. UM 2389
 October 8, 2025
 Page 10

funding into one pool instead of multiple utility-specific pools; and requesting clear and early communication of deadlines for reporting and funding requests. Idaho Power sought clarity around how it will be determined whether an organization has significant ties to the Environmental Justice community or low-income customers in the service area of the participating public utility for which justice funding is sought.

Subsequently, an AHD-led workshop was held on July 1, 2025. Participants discussed the filed comments, as well as certain revisions suggested by AHD. After that workshop, AHD circulated redlines to the agreement and rules, and received redlines and comments back from participants. A follow-up workshop was held on August 19, 2025, after which AHD again circulated redlines of the rules and agreements for comments and revisions from participants.

The final version of the rules and agreements was circulated to participants on September 10, 2025.

Proposed Dates for Notice, Comments, and Rulemaking Hearing

The following dates are proposed for the formal phase of this rulemaking proceeding:

- Notice of Proposed Rulemaking and notice provided to legislators – October 17, 2025
- Publish in Bulletin – November 1, 2025
- Comments due on Proposed Rules – December 4, 2025
- Rulemaking Hearing – November 20, 2025
- Public Meeting Memorandum posted – December 17, 2025
- Rules Brought to Public Meeting – December 23, 2025.

PROPOSED COMMISSION MOTION:

- 1) Approve the agreement attached as Attachment A for funding for environmental justice and low-income organizations consistent with House Bill (HB) 2475 (2021).
- 2) Find that Community Energy Project, Verde, Coalition of Communities of Color, the Community Action Partnership of Oregon, and the Oregon Just Transition Alliance are Eligible Recipients under the attached, executed agreement and OAR 860-001-0840.
- 3) Issue a notice of proposed rulemaking to consider adoption of proposed amendments to the Division 001 Justice Funding Rules.

ENVIRONMENTAL JUSTICE COMMUNITIES
FUNDING AGREEMENT

This Environmental Justice Communities (Justice Community) Funding Agreement (Agreement), effective as of January 1, 2026 (the Effective Date), 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 Corporation; Community Energy Project ; Verde; Coalition of Communities of Color; the Community Action Partnership of Oregon; and Oregon Just Transition Alliance (individually, a **Party** and collectively, the **Parties**).

Recitals

Whereas the Parties wish to enter into this Agreement as a financial assistance agreement under ORS 757.072 to provide resources and support for organizations seeking to participate at the Oregon Public Utility Commission (Commission).

Whereas the Parties understand that the Community Energy Project; Verde; Coalition of Communities of Color; the Community Action Partnership of Oregon; and Oregon Just Transition Alliance are organizations that the Commission has found to be qualified organizations under ORS 757.072, subsections 1 and 2; and determined to be Eligible Recipients as defined in Article 1(e) for the term of this Agreement.

Whereas the Parties to this Agreement find that its provisions should be reflected and adopted by the Commission in order, administrative rules, and procedure.

Article 1
Definitions

- (a) “Case-certified Organization” means an organization the Commission has designated as meeting the requirements of Section 6.1 of this Agreement;
- (b) “Case Fund” is a Participating Utility fund that is available to a Case-certified Organization to reimburse or grant to fund activity in a specific Case-certified matter;
- (c) “Eligible Expenses” are expenses for which Eligible Recipients may request payment consistent with Section 7.4 of this Agreement;
- (d) “Eligible Proceedings” are proceedings which the Commission has determined meet the requirements of Sections 6.2 of this Agreement;
- (e) “Eligible Recipient” means an organization that represents the interests of low-income residential customers or of customers that are members of

Environmental Justice Communities as described in statute and that meets the criteria specified below in Sections 5.3 and 6.1 of the Agreement;

- (f) “Environmental Justice” means equal protection from environmental and health hazards and meaningful public participation in decisions that affect the environment in which people live, work, learn, practice spirituality and play;
- (g) “Environmental Justice Community or Communities” includes communities of color, communities experiencing lower incomes, tribal communities, rural communities, coastal communities, communities with limited infrastructure and other communities traditionally underrepresented in public processes and adversely harmed by environmental and health hazards, including but not limited to seniors, youth, and persons with disabilities;
- (h) “Grant Recipient” or “Grant Recipients” are Eligible Recipients who have been awarded Pre-certification or Case Funding Grants;
- (i) “Justice Funding Grants” are grants made subject to this Agreement;
- (j) “Pre-certification Fund” is a Participating Utility fund that is available to a Pre-certified Organization to reimburse or grant to fund activity in an Eligible Proceeding;
- (k) “Pre-certified Organization” means an organization that the Commission has determined meets the eligibility criteria under ORS 757.072(2)(a)(B) and (C) and Section 5.2 of this Agreement for a Pre-certification Fund Grant in a given year;
- (l) “Participating Public Utility or Utilities” means NW Natural, PacifiCorp, PGE, Cascade, Avista, or Idaho Power; and
- (m) “Public Utility” shall have the meaning set forth in ORS 757.005.

Article 2

Term

The Agreement shall be effective beginning on the Effective Date of this Agreement and shall continue in effect until December 31, 2030, unless terminated earlier pursuant to the terms of Article 8 of this Agreement (the Term).

Article 3

Condition Precedent and Recommended Rules

The obligations and rights of the Parties under this Agreement are subject to the condition precedent that the Commission issue an order: (i) approving this Agreement without material modifications, (ii) finding that the (House Bill) HB 2475 (2021) intervenor funding program implemented through the Agreement serves low-income residential customers and Environmental Justice Communities and is in the public interest, and (iii) that the Community Energy Project; Verde; Coalition of Communities of Color; the Community Action Partnership

of Oregon; and Oregon Just Transition Alliance are organizations that the Commission has found to be qualified organizations under ORS 757.072, subsections 1 and 2 and Eligible Recipients as defined in Article 1(e).

Article 4

Scope

4.1 General

Justice Funding Grants will be made available pursuant to the terms of this Agreement to support Eligible Recipients' activities before the Commission. Justice Funding Grants will not be made available for proceedings involving telecommunications utilities, water utilities, or wastewater utilities unless the proceedings relate to one or more of the Participating Public Utilities.

4.2 Funds and Accounts

There shall be established two funds from which Justice Funding Grants can be made under this Agreement: a Pre-certification Fund and a Case Fund, as each is defined below (Fund(s)). The sum of all Funds shall not exceed \$500,000 annually, unless reflected in an amendment to this Agreement. Accounts for the Funds shall be established for each of the Participating Public Utilities. For each calendar year during the term of this Agreement, the following amounts shall be made available in each account:

	NW Natural	PacifiCorp	PGE	Idaho Power	Avista	Cascade
Pre-certification Fund (60%)	\$85,000	\$85,000	\$85,000	N/A	N/A	N/A
Case Fund (40%)	\$56,667	\$56,667	\$56,667	\$25,000	\$25,000	\$25,000

For each remaining calendar year during the Term, annual amounts for each Case Fund and each Pre-certification Fund shall be the same as the amount shown above for the calendar year 2026. Such amounts reflect the annual amount made available in each account (the Annual Grant Amount). During the Term, the Annual Grant Amounts shown and as calculated above may be supplemented or adjusted to reflect rollovers or advances pursuant to the terms of Sections 4.3 and 4.4 below. Consistent with OAR 860-001-0820, the balance in any of the Justice Fund accounts that is unused at the end of calendar year 2025 will be carried over and made available for use in 2026, except that this amount may not exceed the amounts listed in the table above.

4.2.1 Pre-certification Fund

This fund will be established for use by Pre-certified Organizations for Eligible Expenses as described in Section 7.4 arising from their representation of utility customers as provided by ORS 757.072(2)(a)(B), (C) in regulatory proceedings before the Commission. Pre-certification Fund Grant recipients may not use grants from the Pre-certification Fund for political activities

or fund raising, or complaint proceedings before the Commission. There will be three Pre-certification Fund accounts, one each for NW Natural, PacifiCorp, and PGE.

4.2.2 Case Fund

There shall be six Case Fund accounts, one for each of the Participating Public Utilities. For each calendar year during the Term of this Agreement, the Annual Grant Amount for each Case Fund account shall be the amount shown in Section 4.2 above. The Case Fund accounts may be supplemented pursuant to the terms set forth in Section 4.3 below. The Commission will authorize Case Fund Grants pursuant to the criteria and process set forth in Article 6 and Article 7 below. Case Fund Grants shall be limited to the amount available in the Case Fund account from which funding is sought. A Case Fund Grant may be used by organizations certified in Eligible Proceedings for Eligible Expenses as described in Section 7.4 arising from their representation of utility customers as provided by ORS 757.072(2)(a)(B), (C) in regulatory proceedings involving the Participating Utility for the applicable Case Fund account. For example, Case Fund Grants from the PGE Case Fund account may be used solely to pay Eligible Expenses for Eligible Proceedings involving PGE. Any organization that is pre-certified or case-certified will be eligible to apply for Case Fund Grants. The Commission shall review such applications using the criteria set forth in Article 6 below. Pre-certified Organizations are eligible for Case Fund Grants.

4.3 Rollover

A balance in any of the Fund accounts that is unused in any year during the Term of the Agreement will be carried over at the end of the calendar year and made available for use in succeeding years, subject to the limitations identified in this Section 4.3 (the Rollover). The amount of the annual Rollover shall not exceed the Annual Grant amount associated with the applicable account set forth in Section 4.2 of this Agreement. For example, no more than \$25,000 may be rolled over in one year in Cascade's Case Fund account and no more than \$85,000 may be rolled over from year to subsequent year for PGE's Pre-certification Fund account. Notwithstanding up to seventy percent of any balance remaining in any of the Pre-Certified Funds after the annual grants are approved and excluded as allocated may be used to Case Fund Grants for that calendar year after approval of a request to rollover these by the Commission. Amounts available in a Pre-certification Fund for a calendar year excluding any post annual Pre-certified Grant Award Case Fund Grants shall continue to be shown as available into the subsequent year. The Rollover from year-end balances in a Pre-certification Fund shall be determined after December 31 of the subsequent year.

4.4 Advance

A request to use in any calendar year during the Term amounts that would otherwise be available in the Case Fund accounts in the next year (an Advance) will not be available from the Case Fund. However, the Commission may approve a Case Fund Grant from funds that will be made available in the next calendar year when the proceeding for which the Case Fund Grant is sought

is expected to continue into that year and funds in the current year Case Fund are inadequate to provide the level of Case Fund Grants that the Commission determines is appropriate. Pre-certified Organizations may request, and the Commission may grant, an Advance from the Pre-certification accounts in the next year, subject to the limitations identified in this Section and Sections 7.1 and 7.2 of the Agreement.

4.5 Unused Balances

The unused balances in Fund accounts shall be eliminated upon the termination of this Agreement (whether as a result of a termination pursuant to Section 8.1 below or at the end of the Term), except that certain expenditures incurred pursuant to a Commission-authorized Justice Funding Grant awarded before termination may be reimbursed according to the terms specified in Section 8.3 below and the Parties to a successor agreement may provide for a rollover of funds consistent with OAR 860-001-0820 into the first year of that agreement.

Article 5

Pre-certification Eligibility and Procedure

5.1 General

No more than five eligible organizations will be pre-certified to receive Pre-certification Fund Grants each year. Pre-certified Organizations and organizations who become case-certified for a particular proceeding, will be eligible to receive Case Fund Grants.

5.2 Pre-certification Fund Grant Process

The Commission will provide the opportunity to submit applications for pre-certification and Pre-certification Fund Grants at least once every 12 months during the Term of the Agreement. Applications for the subsequent year must be filed no later than November 17, or the next business day if November 17 falls on a weekend or holiday. Notice of a pre-certification request must be served on all Parties to this agreement as well as any Pre-Certified Organizations from the previous year, a list of which will be published on the Commission's website.

Pre-certification requests must include the following elements:

- (a) The application must identify why the applicant meets the eligibility criteria set forth below in Section 5.3 or identify a prior order determining that the organization is an Eligible Recipient;
- (b) The application must identify the matters in which the applicant intends to participate, the nature of that participation, and why these matters are Eligible Proceedings;
- (c) The Participating Public Utility account or accounts from which the applicant seeks funds; and
- (d) 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.

Any person may provide a response to an application within 14 days of the filing of the request. Within 45 days of receiving a pre-certification application, the Commission will make best efforts to review the sufficiency of the request and act upon it. The Commission may approve or deny, in whole or in part, the application based on any of the following factors:

- (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) The eligibility criteria to which the applicant is subject;
- (e) The qualifications of the applicant and experience before the Commission; and
- (f) The level of available Pre-certified Funds under consistent with this Agreement.

The Commission may not approve a Pre-certification Grant Fund request if approval would cause all Pre-certification Funding Grants provided consistent with this Agreement to exceed the Pre-certification Fund accounts identified in Section 4.2 above.

Once pre-certified, an organization will remain pre-certified for one year unless the Commission terminates the pre-certification under Section 8.1 of this Agreement.

5.3 Pre-certification Grant Eligibility

The Commission may pre-certify not for profit organizations that meet all of the following criteria as eligible to receive Justice Funding Grants in proceedings concerning the Participating Utility or Utilities for which it seeks pre-certification:

- (a) The organization 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) The organization indicates the particular Environmental Justice Community or low-income customers it represents and demonstrates that it is able to effectively represent them;

- (c) The organization demonstrates 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 Participating Utility for which pre-certification is sought and demonstrates how it will identify the issues or advocacy positions that are important to them; and
- (d) Where applicable, the organization has demonstrated in past Commission matters the ability to substantively contribute to the record on behalf of such interests.

In determining whether to pre-certify not for profit organizations that meet the above criteria, the Commission may also consider whether the organization has significant ties to the Environmental Justice Community or low-income customers in the service area of each Participating Public Utility for which pre-certification is sought.

5.4 Pre-certified Grantee Budget Amendment

A Pre-certification Fund Grant recipient may file to amend its budget for good cause. Any request for amendment must meet all applicable requirements under Section 5.2 of this Agreement. The Commission may seek additional information concerning a budget amendment. The Commission will make best efforts to act upon the request within 21 days of receiving the proposed amendment or, if applicable, any supplemental information provided in response to the Commission's request. Any person may provide a response to a proposed amendment within 7 days of the filing of the request.

The Commission may amend an approved Pre-certified Grantee Budget if it finds that the approved budget is no longer warranted. If the Commission amends an approved budget, it will provide notice to the Pre-certification Fund Grant recipient and afford an opportunity to comment and provide a revised budget.

Article 6

Case Fund Grant Request Procedure

6.1 Case Fund Grant Eligibility

Organizations meeting all of the following criteria may be case-certified by the Commission to be eligible to receive a Case Fund Grant:

- (a) The organization 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) The organization indicates the particular Environmental Justice Community or low-income customers it represents and demonstrates that it is able to effectively represent them;
- (c) The organization demonstrates 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 Participating Utility for which pre-certification is sought and demonstrates how it will identify the issues or advocacy positions that are important to them;
- (d) And where applicable the organization has demonstrated in past Commission matters the ability to substantively contribute to the record on behalf of such interests; and
- (e) In contested case proceedings, the organization demonstrates that its request for case-certification will not unduly delay the schedule of the proceeding.

In determining whether organizations that meet the above criteria should be case-certified and eligible to receive a Case Fund Grant, the Commission may also consider whether the organization has significant ties to the Environmental Justice Community or low-income customers in the service area or whether it will facilitate participation by environmental justice or low-income organizations or customers with significant ties to the service area of each Participating Public Utility for which a Case Fund Grant is sought.

6.2 Eligible Proceedings.

Requests for a Case Fund Grant may be made only in an Eligible Proceeding for Case Funds. Eligible Proceedings include proceedings before the Commission that affect a Participating Public Utility, its customers and its Environmental Justice Communities including, but not limited to: named, non-docketed Commission led processes, rulemakings, contested cases, declaratory ruling proceedings, contested case proceedings (*e.g.* rate cases), integrated resource plans and updates, distribution management planning, depreciation dockets, deferrals for projects or pilots and design and implementation of differential rates, the Energy Trust's budget and planning process, and power or purchased gas adjustments; but they do not include a complaint proceedings initiated or caused to be initiated by the Grantee.

6.3 Notice of Intent to Request a Case Fund Grant and Case-Certification

Any potential grantee seeking a Case Fund Grant must file a Notice of Intent to request a Case Fund Grant (Notice of Intent) when it submits its petition to intervene or notice of participation in the matter or, for matters that do not involve a formal intervention, at such other time as the Commission designates. The Notice of Intent must identify why the applicant meets the eligibility criteria and why the matter is an Eligible Proceeding or identify a prior order deeming the organization an Eligible Recipient (including their pre-certification order) and/or deeming the proceeding a Justice Grant Eligible Proceeding. The Notice of Intent must be served on each

affected Participating Public Utility, all Pre-certified Organizations, and all Parties of record in the proceeding or, if no such list has been established, to such other persons as the Commission designates. The Notice of Intent must identify the Participating Public Utility account or accounts from which the intervening Party intends to request a Case Fund Grant. An organization that is not pre-certified must apply for case-certification on or before the time it submits its Notice of Intent. The Commission will make all reasonable efforts to act on requests for case-certification at least 14 days before the time set for Pre-certified and Case-certified Organizations to submit Proposed Budgets. To help the Commission rule on a motion for case-certification, the Commission may request that Parties or participants in the matter to provide a response to the Notice of Intent on whether the application meets the requirements set forth in Section 6.1 or 6.2. Regardless of any request for response from the Commission, any Party or participant in the matter may provide a response to a request for Case Fund certification within 14 days of the filing of the request.

6.4 Proposed Budgets

Case Fund certified organizations must submit to the Commission a Proposed Budget (Proposed Budget) for a Case Fund Grant for its participation in an Eligible Proceeding. The Proposed Budget must include:

- (a) A statement of work to be performed by the recipient for which the recipient is seeking funding;
- (b) A description of the areas or issues to be investigated and addressed by the recipient;
- (c) A budget showing estimated Eligible Expenses, which may include the cost for appropriate support staff and operational support;
- (d) A budget showing estimated consultant fees and expert witness fees, which may include the cost for appropriate support staff and operational support;
- (e) A description of the low-income customers or Environmental Justice Communities that will benefit from the recipient's participation; and
- (f) A description of the Participating Public Utility account or accounts from which the applicant seeks funds and how the initial payment should be apportioned.

A Proposed Budget must be filed 30 days after the organization and the proceeding have been certified for Justice Fund funding or by such other date as the Commission designates.

Within 30 days of receiving a Proposed Budget in an Eligible Proceeding, the Commission will make best efforts to review the sufficiency of the request and act upon it. The Commission may approve or deny, in whole or in part, an applicant's Proposed Budget based on any of the following factors:

- (a) The proposal is not consistent with the breadth and complexity of the issues;
- (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 procedural schedule;
- (d) The dollar magnitude of the issues at stake;
- (e) The qualifications of the Party and experience before the Commission;
- (f) The level of available Case Funds remaining for the year; and
- (g) Other Eligible Proceedings in which other Eligible Recipients may seek additional funds consistent with ORS 757.072(2)(c).

The Commission may not approve a Proposed Budget if approval would cause all Funding Grants consistent with ORS 757.072(2)(c) to exceed the cap identified in Section 4.2 above.

Proposed Budgets shall be served by filing through the Commission's docket notification system on the Commission, the affected Participating Utility, and all Parties of record in the proceeding. It shall be served by email on any Pre-certified Organization not of record in the proceeding, and such other persons as the Commission designates. An applicant may submit a combined Proposed Budget for related proceedings that are being considered concurrently by the Commission. In proceedings with multiple phases, Proposed Budgets should encompass work to be performed for the initial phase of the proceeding. In the event the proceeding continues beyond the initial phase, the Commission will establish a schedule for recipients to submit Proposed Budgets for any later phase(s) of the proceeding. If the recipient expects to incur Eligible Expenses in an Eligible Proceeding for Case Funds in more than one calendar year, the Proposed Budget may seek a Case Fund Grant from funds that will be made available in the next calendar year subject to Section 4.4 of this Agreement. In such cases, the Proposed Budget should identify the amount of funds requested from each year's fund. Any Party or participant in the matter may provide a response to a Proposed Budget within 14 days of the filing of the request.

6.4.1 Additional Information

The Commission may seek additional information concerning Proposed Budgets. The Commission will make best efforts to act upon proposed funding budgets, within 21 days of receiving the Proposed Budgets or, if applicable, any supplemental information provided in response to the Commission's request.

6.5 Commission Decision

If the Commission receives one or more Notices of Intent and one or more Proposed Budgets, then the Commission will determine the amount, if any, of Case Fund Grants that will be made

available for the Eligible Proceeding and the allocation of that amount among the applicants. The Commission may make these determinations based upon the following factors:

- (a) The breadth and complexity of the issues;
- (b) The significance of any policy issues;
- (c) The procedural schedule;
- (d) The dollar magnitude of the issues at stake;
- (e) The participation of other organizations that adequately represent the interests of customers;
- (f) The amount of funds being provided by the applicant organization;
- (g) The qualifications of the organization and experience before the Commission;
- (h) The level of available funds in the Fund account or accounts involved; and
- (i) Other Eligible Proceedings in which organizations may seek additional Case Fund Grants from the same Fund account or accounts.

The Commission may deny, in whole or in part, a request for a Case Fund Grant based on the above criteria and requirements. The Commission may place reasonable conditions on Case Fund Grants. Except as provided in this Section, a Case Fund Grant approval shall constitute a binding obligation on the Commission to order reimbursement of Eligible Expenses subject to satisfaction of any conditions imposed on the Case Fund Grant and the requirements set forth in Sections 7 and 8 below. Eligible Expenses incurred or accrued before any Commission budget amendment will be reimbursed according to the terms set forth in Section 7 below.

6.6 Cooperation

Pre-certified and Case-certified Parties are encouraged to make all reasonable efforts to enter into agreements with each other at any time, including before submitting Proposed Budgets or after receiving Case Fund Grants, to combine their efforts and resources in a case. Such cooperative efforts shall not affect the amount of their Case Fund Grants.

6.7 Amendment of Case Budgets

At any time during a proceeding, a recipient may file to amend its budget and request additional funding due to unforeseen changes in the scope or complexity of issues, positions taken by other Parties, changes in the schedule of the case, or other good cause. Grantees with approved budgets in multiple dockets may request to reallocate approved amounts between dockets by filing a request in both dockets. Such a request must identify the previously approved budget amounts, the Amended Proposed Budget amounts for each docket after reallocation of funds, and explain the purpose for the requested reallocation. Any request for amendment/reallocation must meet all applicable requirements under Section 6.4 and Section 4.2.2 of this Agreement. The Commission may seek additional information concerning a Proposed Budget amendment. The Commission will make best efforts to act upon the request within 21 days of receiving the proposed

amendment or, if applicable, any supplemental information provided in response to the Commission's request. Any Party or participant in the matter may provide a response to a proposed amendment within 7 days of the filing of the request.

The Commission may amend an approved Budget if it finds that there has been a material change in the breadth and complexity of the issues, the significance of the policy issues, or the dollar magnitude at stake, such that the initial approved Budget is no longer warranted. If the Commission amends an approved Budget, it will provide notice to the recipient and afford an opportunity to comment and provide a revised budget. A Commission amendment of an approved Budget shall take effect on a prospective basis only.

6.8 Case Fund Grantees' Report

On or before each April 1 during the term of this Agreement, each Case-Fund recipient who had, during the prior calendar year, a continuing or newly approved Case Fund Grant or pending Proposed Budget for an Case Fund Grant request shall provide a report to the Administrative Hearings Division in docket UM 2389 showing, as of December 31 of the prior calendar year for each Case Fund, their budget request pending approval, approved budget amounts, requested payments, payments received, amounts actually spent on expenses described in budgets for proceedings in which the intervenor received an Case Fund Grant, and a statement indicating whether any of their approved budget amounts for an Case Fund Grant were or are expected to be released back to the applicable Case Fund because the grantee does not intend to use the full approved amount.

6.9 Pre-certified Grantees' Report

Each November 17 during the Term, Pre-certified Organizations will provide the Administrative Hearings Division in docket UM 2389 a statement setting forth the manner in which the Pre-certification Fund Grant was spent or intends to be spent, including information sufficient to show that the funds were spent in a manner consistent with the terms of Article 4 and Article 5 above, whether a Request for Payment for remaining amounts has been filed, the remaining amount outstanding and whether the remaining amount or any initial amount will be released back to the fund. Each Pre-certified Organization will serve a copy of the report it provides under this Section on the applicable Participating Public Utility or Utilities.

Article 7

Payment of Grants

7.1 Payment of Pre-certification Fund Grants

Upon Commission approval of a Pre-certified Fund Grant, the Participating Public Utilities shall pay the amounts granted pursuant to Commission order. The Participating Public Utilities shall

pay the amount authorized by the Commission no later than 30 days after receipt of the Commission directive.

7.2 Case Fund Grant Payment

In order to receive payment of a Case Fund Grant, a Grant Recipient must submit a request for payment of Eligible Expenses to the Commission and serve a copy on the Participating Public Utility from whose account payment is to be made (a Request for Payment). A Request for Payment or notice of release of funds may be made at any time during an Eligible Proceeding, after the Commission has approved the applicable Proposed Budget under Section 6 above. The Request for Payment must:

- (a) Itemize the expenses, payees and hourly rates for amounts to be reimbursed, including billing details, and including separately identified amounts for consultant or expert witness fees and travel expenses;
- (b) Demonstrate that the expenses are reasonable and are directly attributable to issues and positions pursued on behalf of low-income residential customers or Environmental Justice Communities and consistent with the Grant Recipient's Proposed Budget;
- (c) Provide information sufficient to show that the Grant Recipient has complied with any condition or requirement of the Case Fund Grant; and
- (d) Specify whether the request for payment is for a progress payment or final payment in full and indicate whether any approved budget amount may be released back to the applicable Case Fund because the Grant Recipient does not intend to request payment for the full approved budget amount.

A request for payment under this section may be made prior to the completion of the activity to be performed consistent with an approved budget; provided that any request for payment prior to completion of the activity may not exceed 50 percent of the applicable approved budget.

Case Fund Grant Recipients are encouraged to file a request for payment and/or notice of release as soon as possible after resolution of the applicable proceeding and/or their final budget is known. To the extent possible, a request for payment and/or notice of release should be submitted no later than November 17 to facilitate the identification of any rollover funds for the following calendar year.

7.3 Limits on Use of Budgeting Information. Information presented in Proposed Annual Budgets for Pre-Certified Grants, in the annual reports under Section 6.9 of this Agreement and in the Request for Payment Reports may be provided by Grantees or Eligible Recipients directly to the Administrative Hearings Division with copies served upon the relevant Participating Public Utilities and may be designated as confidential and protected from public disclosure by the

Commission to the maximum extent possible under the Oregon Public Records Law (ORS 192.410 et. seq.). Such confidential designation shall not excuse service of information covered by this Section 7.3 on the applicable Participating Public Utility or prevent the applicable Participating Public Utility from reviewing the requests, budgets or reports. Participating Public Utilities will abide by the confidentiality obligations set forth in any order approving budgets. The Parties acknowledge, however, that the information may be assimilated for purpose of the Commission's reporting duty pursuant to Section 4 of HB 2475.

7.4 Eligible Expenses

Grantee expenses eligible for funding under a Justice Funding Grant (Eligible Expenses) will include:

- (a) Actual attorney and consultant fees, whether in-house or for outside services, directly attributable to participation in the proceeding;
- (b) Expert witness fees and expenses;
- (c) Apportioned wages for in-house staff (professional and clerical) and operational support directly related to participation in the proceeding;
- (d) The cost of investigations and of preparing and copying studies, data request responses and other discovery materials, exhibits, testimony, briefs and other filings in the proceeding;
- (e) Travel costs directly related to participation in the proceeding;
- (f) Costs of acquiring studies or supplies directly related to the proceeding or court report fees and transcripts;
- (g) Costs associated with subcontractors for eligible activities;
- (h) Costs of participation in workshops and other informal Commission activities prior to the institution of an Eligible Proceeding;
- (i) Cost of community consultant fees and expenses for education, organization, preparation for and/or facilitation of community members' participation in proceedings or an individual community member's participation in a proceeding; and
- (j) Costs of training or educational opportunities for in-house staff to facilitate participation in an Eligible proceeding.

7.5 Commission Review and Action

Any person may provide a response to a Request for Payment of a Case Fund Grant or Pre-certification Fund Grant within 7 days of the filing of the request. Within 30 days of receiving a Request for Payment of a Case Fund Grant or Pre-certification Fund Grant, the Commission will make best efforts to review the sufficiency of the request and act upon it. The Commission may disallow a request for payment, in whole or in part, if it determines that the request seeks reimbursement for expenses that are not Eligible Expenses or expenses that are

inconsistent with the Grantee's Case Fund Grant or Pre-certification Fund Grant or any conditions placed on the Case Fund Grant or Pre-certification Fund Grant. The Commission will notify the grantee submitting a Request for Payment and the Participating Public Utility from whose account payment is requested, of the amount of payment approved and the Fund account or accounts from which payment is to be made. The Commission may not award a Request for Payment in excess of the amount of the applicable Case Fund Grant or Pre-certification Fund Grant, including any budget amendments approved by the Commission.

7.6 Participating Public Utilities' Payment of Justice Funding Grants

The Participating Public Utility or Utilities will pay grantees the Justice Funding Grants as directed by the Commission pursuant to Section 7.5 above. Such payment(s) shall be made within 30 days of receiving the notice of the relevant directives from the Commission.

7.7 Release of Pre-certification Grant Funding

Pre-certification Fund Grant Recipients should file a notice of release no later than November 17, specifying any funds that the Pre-certification Fund Grant Recipient intends to release back to the Pre-certification Fund. The Commission shall issue a final notice to Pre-certification Fund Grant Recipients requiring all notices of release by December 7 to identify any rollover funds for the subsequent year.

- (a) When a Pre-certification Fund Grant Recipient has received funds and intends to execute a release, that organization must do the following:
 - i. Write a check (or checks, as appropriate) to the Participating Public Utility/ies receiving the released funds.
 - ii. File a notice in this docket stating the amounts released, the date the checks were sent, the amounts on the checks and the check numbers.
- (b) Where a Pre-certified Organization has not yet received funds and intends to execute a release of funds granted, that organization must file a notice in this docket stating the amounts released, noting that funds were not received, and no checks were provided to funding utilities.

7.8 Release of Case Fund Grant Funds

Case Fund Grant Recipients are encouraged to file a notice of release as soon as possible after resolution of the applicable proceeding and/or the final eligible expenses are known. To the extent possible, Case Fund Grant Recipients should file a notice of release no later than November 17, specifying any funds that the Grant Recipient intends to release back to the case fund.

- (c) When a Case Fund Grant Recipient has received funds and intends to execute a release, that organization must do the following:

- iii. Write a check (or checks, as appropriate) to the Participating Public Utility/ies receiving the released funds.
 - iv. File a notice in this docket stating the amounts released, the date the checks were sent, the amounts on the checks and the check numbers.
- (d) Where a Case Fund Grant Recipient has not yet received funds and intends to execute a release of funds granted, that organization must file a notice in this docket stating the amounts released, noting that funds were not received, and no checks were provided to funding utilities.

Article 8

Termination

8.1 Termination

A Party may terminate this Agreement if any one or more of the following events occur:

- (a) In an order, the Commission rejects all or a material part of this Agreement or adds a condition that has a material effect on the terms and conditions of this Agreement;
- (b) The Commission either repeals or amends a material part of the cost recovery provision in Exhibit 1;
- (c) There is a repeal or material change in the statutory provision enabling Justice Funding;
- (d) Any of the following are enacted through legislation, ballot measure or formal action of the Commission:
 - (1) An alternative funding program affecting one or more of the Participating Public Utilities;
 - (2) Changes in the method by which Public Utilities recover expenses incurred in regulatory proceedings if such changes prohibit or limit a Public Utility's ability to recover such expenses through rates;

8.2 Notice

A Party terminating this Agreement shall give the other Parties and the Commission 30 days advance written notice. Such termination will become effective only upon a determination by the Commission that the Party has a valid basis pursuant to Section 8.1 above to terminate the Agreement. A notice under this Section shall not terminate the rights and obligations among the remaining Parties under this Agreement.

8.3 Discharge of Obligations Upon Termination

If this Agreement is terminated pursuant to this Article, the terminating Party shall be released and discharged from any obligations arising or accruing under this Agreement from and after the

date of such termination. Termination of this Agreement (under this Section or at the end of the Term of this Agreement) shall not discharge or relieve any Party from any obligations or liabilities which may have accrued under the terms of this Agreement before such termination. In particular, the Commission shall require the Participating Public Utility or Utilities to pay Eligible Expenses incurred under a Commission-authorized Justice Funding Grant that was awarded before the date of termination, subject to satisfaction of the requirements of Section 7 of this Agreement. The Commission shall permit Participating Public Utilities to recover in rates any such authorized expenditures. If any Participating Public Utility has not recovered all of its payments of Justice Funding Grants under this Agreement by the end of the Term or the date on which the Agreement is terminated, the Commission shall permit the Participating Public Utility to recover such amounts after the Term of this Agreement or after the termination date.

Article 9

Miscellaneous

9.1 Dispute Resolution

The Parties agree to confer and make a good faith effort to resolve any dispute arising under this Agreement before bringing an action or complaint to the Commission or any court with respect to such dispute. Parties are encouraged to utilize the Commission's Alternative Dispute Resolution rules at OAR Chapter 860 Division 2.

9.2 Parties' Cooperation and Support

The Parties shall file this Agreement with the Commission. The Parties agree to support this Agreement before the Commission and before any court in which the Agreement is considered. The Parties agree to support the Commission's adoption and issuance of rules necessary to implement the terms of this Agreement.

9.3 Enforcement and Jurisdiction

The Parties agree that the Commission may enforce the terms of the Agreement in the same manner as the enforcement of a Commission order. To the extent the Commission lacks authority to enforce or compel performance of particular terms of this Agreement, the Parties may seek enforcement in a court of competent jurisdiction of the State of Oregon. The jurisdiction over this Agreement of the Commission and the courts in the State of Oregon shall be exclusive.

9.4 Jury Waiver

To the fullest extent permitted by law, each of the Parties waive any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this agreement. Each Party further waives any right to consolidate, or to request the consolidation

of, any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

9.5 Counterparts

The Agreement may be signed electronically and in any number of counterparts, each of which will be an original for all purposes, but all of which taken together will constitute only one agreement.

9.6 Entire Agreement

This Agreement supersedes any and all oral or written agreements and understandings made relating to HB 2475 funding and Justice Funding Grants to be made available by the Participating Public Utilities and constitutes the entire agreement and understanding of the Parties.

9.7 Successors

The terms and provisions of this Agreement and the respective rights and obligations of the Parties under this Agreement shall be binding upon and inure to the benefit of the Parties and their respective successors.

9.8 No Agency

This Grant Agreement shall not be deemed to create any relationship of agency, partnership, or joint venture between the Parties hereto.

9.9 No Assignment

The benefits and obligations of this Agreement may not be assigned or transferred without the written consent of each of the other Parties and Commission approval.

9.10 Good Faith and Fair Dealing

The Parties agree to act in good faith in all actions taken under this Agreement.

9.11 Amendments

No amendment or modification of the terms of this Agreement shall be binding on any Party unless reduced to writing and signed by all Parties.

9.12 Governing Law

This Agreement shall be governed and construed in accordance with the laws of the State of Oregon, without regard to principles of choice of law.

9.13 Audits.

The Commission may audit the relevant records of a Grant Recipient allowed by law and as necessary to verify the accuracy of the information provided by a Grant Recipient within three years of the order approving the grant.

Exhibit 1: Cost Recovery

Recovery of Justice Funding Grants

The Commission shall allow the Participating Public Utilities to recover in rates all amounts paid for Justice Funding Grants under this Agreement. 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 included in any calculation of the amortization cap for other deferred accounts. Amounts in any deferred account under this Section will include carrying costs at the Participating Public Utility's authorized cost of capital. If the applicable Eligible Proceeding results in a change of rates Case Fund Grants should be incorporated into rates at the same time as the rate change is made. For Case Fund Grants that are not recovered in the Eligible Proceeding in which the funds were expended or in the case of the recovering of Pre-certification Grants, the timing and amortization period for recovering of such Justice Funding Grants will be left to the discretion of the participating Public Utility, subject to Commission approval. The Commission will make a determination as to how to recover the Justice Funding Grants and Pre-certification Fund Grants from the various customer classes of the affected Participating Public Utility or Utilities.

IN WITNESS WHEREOF, the Parties have executed this Agreement to be effective as of the day and year first above written.

PORTLAND GENERAL ELECTRIC
COMPANY



By: Angelica Espinosa
Its: Senior Vice President, Chief Legal and
Compliance Officer

PACIFICORP



By: Joelle Steward
Its: Senior Vice President, Regulation

NORTHWEST NATURAL GAS
COMPANY



By: Zach Kravitz
Its: Vice President of Regulatory Affairs
and Resource Planning

CASCADE NATURAL GAS
CORPORATION



By: Michael Parvinen
Its: Manager – Regulatory Affairs

AVISTA UTILITIES



By: Pat Ehrbar
Its: Director of Regulatory Affairs

IDAHO POWER COMPANY



By: Tim Tatum
Its: Vice President of Regulatory Affairs

COMMUNITY ENERGY PROJECT



By: Charity Fain
Its: Executive Director

VERDE



By: Cheyenne Holliday
Its: Director of Advocacy and Policy

COALITION OF COMMUNITIES OF
COLOR



By: Nikita Daryanani
Its: Climate and Policy Energy Manager

THE COMMUNITY ACTION
PARTNERSHIP OF OREGON



By: Janet Allanach
Its: Executive Director

OREGON JUST TRANSITION
ALLIANCE

Ana Molina

By: Ana Molina
Its: Advocacy Director

AMEND: 860-001-0800

RULE TITLE: Purpose Statement

RULE SUMMARY: TO COME

RULE TEXT:

(1) The purpose of OAR 860-001-0800 through OAR 860-001-0900 is to provide guidance for organizations seeking Justice Funding Grants, made available through ORS 757.072, to represent the interests of low-income residential customers or the interests of environmental justice communities in matters at the Oregon Public Utility Commission.

(2) These rules facilitate the administration and implementation of the Environmental Justice Communities Funding Agreement.

(3) Under the agreement, two funds are established for Justice Funding Grants, the Pre-certification Fund and Case Fund. These funds are from the Participating Public Utilities, and the grants under each fund are approved by the Commission.

(4) The Commission may delegate its authority set forth in OAR 860-001-0840, OAR 860-001-0850, OAR 860-001-0860, and OAR 860-001-0890. The delegate's decisions may be appealed to the Commission.

STATUTORY/OTHER AUTHORITY: ORS 757.072

STATUTES/OTHER IMPLEMENTED: ORS 757.072

AMEND: 860-001-0810

RULE TITLE: Definitions

RULE SUMMARY: TO COME

RULE TEXT:

As used in OAR 860-001-0800 through 860-001-0900:

- (1) “Agreement” means the currently effective Environmental Justice Communities Funding Agreement ~~in Order No. 23-033 and found online at <https://apps.puc.state.or.us/orders/2023ords/23-033.pdf>~~, as adopted by the Commission
- (2) “Case-certified Organization” means an organization the Commission has designated as meeting the requirements of OAR 860-001-0840 and OAR 860-001-0860(6).
- (3) “Case Fund” is a Participating Public Utility fund that is available to a Case-certified organization to reimburse or grant to fund activity in a specific Case-certified matter.
- (4) “Eligible Expenses” are expenses for which Eligible Recipients may request payment consistent with OAR 860-001-0870.
- (5) “Eligible Proceedings” are proceedings the Commission has determined meet the requirements of OAR 860-001-0830.
- (6) “Eligible Recipient” means an organization that represents the interests of either low-income residential customers or communities, or customers that are members of Environmental Justice Communities as defined below. For the purposes of this rule, a low-income community includes, but is not limited to, communities with limited or insufficient financial means to cover basic needs and essential services.
- (7) “Environmental Justice” means equal protection from environmental and health hazards and meaningful public participation in decisions that affect the environment in which people live, work, learn, practice spirituality and play.
- (8) “Environmental Justice Community or Communities” includes communities of color, communities experiencing lower incomes, tribal communities, rural communities, coastal communities, communities with limited infrastructure, and other communities traditionally underrepresented in public processes and adversely harmed by environmental and health hazards, including but not limited to seniors, youth, and persons with disabilities;
- (9) “Grant Recipient” or “Grant Recipients” are Eligible Recipients who have been awarded pre-certification or case funding grants.
- (9) “Justice Funding Grants” are grants from either a Pre-certification Fund or Case Fund made subject to these rules.
- (10) “Participating Public Utility or Utilities” means any of the following utilities: Northwest Natural

Gas Company, dba NW Natural; PacifiCorp, dba Pacific Power; Portland General Electric Company; Cascade Natural Gas Corporation; Avista Corporation, dba Avista Utilities; and Idaho Power Company.

(11) “Pre-certification Fund” is a Participating Public Utility fund that is available to a Pre-certified Organization to reimburse or ~~grant to~~ fund activity in an Eligible Proceeding.

(12) “Pre-certified Organization” means an organization that the Commission has determined meets the eligibility criteria under ORS 757.072(2)(a)(B) and (C) and ~~the rules below~~ in OAR 860-001-0840.

STATUTORY/OTHER AUTHORITY: ORS 757.072

STATUTES/OTHER IMPLEMENTED: ORS 757.072

AMEND: 860-001-0820

RULE TITLE: Funding Amounts and Rollover

RULE SUMMARY: TO COME

RULE TEXT:

(1) The amounts to be made available annually for the Pre-certification Fund and the Case Fund for each utility ~~is~~are set forth in the Agreement.

(2) A balance in any of the Justice Grant Fund accounts that is unused in any year will be carried over at the end of the calendar year and made available for use in succeeding years, except that the amount rolled over to the next year may not exceed the amounts listed in section (1) of this rule.

(3) Up to 70 percent of any balance remaining in any of the Pre-certified Funds after the annual grants are approved may be used for Case Fund grants for that calendar year after approval by the Commission of a request to reallocate these funds.

STATUTORY/OTHER AUTHORITY: ORS 757.072

STATUTES/OTHER IMPLEMENTED: ORS 757.072

AMEND: 860-001-0830

RULE TITLE: Eligible Proceedings

RULE SUMMARY: TO COME

RULE TEXT:

(1) Eligible Proceedings include proceedings before the Commission that affect a Participating Public Utility, its customers and its Environmental Justice Communities including, but not limited to, named, non-docketed Commission led processes, rulemakings, contested cases, declaratory ruling proceedings, contested case proceedings such as rate cases, integrated resource plans and updates, distribution system planning, depreciation dockets, deferrals for projects or pilots and design and implementation of differential rates, the Energy Trust's budget and planning process, and power or purchased gas adjustments; but they do not include complaint proceedings initiated or caused to be initiated by the ~~Grantee~~[Grant Recipient](#).

(2) Justice Funding Grants will not be made available for proceedings involving telecommunications utilities, water utilities, or wastewater utilities unless the proceedings relate to one or more of the Participating Public Utilities.

STATUTORY/OTHER AUTHORITY: ORS 757.072

STATUTES/OTHER IMPLEMENTED: ORS 757.072

AMEND: 860-001-0840

RULE TITLE: Justice Funding Eligibility

RULE SUMMARY: TO COME

RULE TEXT:

(1) An organization meeting the following criteria may be certified by the Commission to be eligible to receive Justice Funding Grants:

(a) The organization 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) The organization identifies the specific Environmental Justice Community or low-income customers it represents and demonstrates that it is able to effectively represent them;

(c) The organization demonstrates 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 Participating Public Utility for which funding is sought and demonstrates how it will identify the issues or advocacy positions that are important to those represented;

(d) When applicable, the organization has demonstrated in past Commission matters its ability to substantively contribute to the record on behalf of such interests; and

(e) In contested case proceedings, the organization demonstrates that its request for funding will not unduly delay the schedule of the proceeding.

(2) In determining if an organization is eligible to receive a Justice Funding Grant, the Commission may also consider whether the organization has significant ties to the Environmental Justice Community or low-income customers in the service area or whether it will facilitate participation by environmental justice or low income organizations or customers with significant ties to the service area of each Participating Public Utility for which the Justice Funding Grant is sought.

(3) Pre-certified and Case-certified granteesGrant Recipients are encouraged to make all reasonable efforts to enter into agreements with each other at any time, including before submitting proposed budgets or after receiving Case Fund Grants, to combine their efforts and resources in a case. Such cooperative efforts shall not affect the amount of their grants.

(4) Upon the filing of a complaint pursuant to ORS 756.500 or upon a Commission investigation or motion pursuant to ORS 756.515, the Commission may terminate the precertification or case-certification of an eligible entity, granteea Grant Recipient, Eligible Recipient, or applicant if it finds that:

(a) The organization has committed fraud, misrepresentation, or misappropriation related to a Justice Funding Grant;

(b) In a proceeding before the Commission for which Justice Funding Grants were awarded to the organization, the organization has consistently failed to represent the interests of the Environmental Justice Community that the organization purported to represent in its application for pre-certification;

(c) The organization has failed to comply with Commission orders or rules in material ways;

(d) The organization no longer meets the criteria established in these rules.

(5) In the event of termination of the pre-certification or case-certification of an organization, such termination shall take effect on a prospective basis only. Organizations that have been decertified may not receive Justice Funding Grants for the term of the agreement. Organizations that have been decertified may recover Eligible Expenses incurred pursuant to a Commission authorized Justice Funding Grant and incurred before decertification, subject to satisfaction of the requirements for payment of grants set forth in the Agreement and these rules.

STATUTORY/OTHER AUTHORITY: ORS 757.072

STATUTES/OTHER IMPLEMENTED: ORS 757.072

AMEND: 860-001-0850

RULE TITLE: Pre-certification Fund

RULE SUMMARY: TO COME

RULE TEXT:

- (1) No more than five eligible organizations will be Pre-certified to receive Pre-certification Fund grants each year.
- (2) Pre-certified Organizations may request an Advance from the Pre-certification accounts in the next year.
- (3) Applications for Pre-certification for the subsequent year must be filed no later than November 10~~—~~17 ~~in docket UM 2276~~.
- (4) Pre-certification requests must include the following elements:
 - (a) A narrative on why the applicant meets the eligibility criteria set forth in OAR 860-001-0840 or identify a prior order determining that the organization is an Eligible Recipient;
 - (b) The types of matters in which the applicant intends to participate, the nature of that participation, and why these types of matters are Eligible Proceedings;
 - (c) The Participating Public Utility account or accounts from which the applicant seeks funds; and
 - (d) A budget showing estimated Eligible Expenses.
- (5) Any person may provide a response to an application within 14 days of the filing of the application.
- (6) The Commission will make best efforts to review and act upon an application for Pre-certification within 45 days of receipt. The Commission may approve or deny, in whole or in part, the application based on any of the following factors:
 - (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; which must include a description of the Participating Public Utility account or accounts from which the applicant seeks funds and how payments should be apportioned.
 - (d) The eligibility criteria to which the applicant is subject;
 - (e) The qualifications of the applicant and experience before the Commission; and
 - (f) The level of available Pre-certified Funds consistent with the Agreement.

(7) Once Pre-certified, an organization will remain Pre-certified for one year unless the Commission terminates the Pre-certification.

(8) A Pre-certification Fund Grant ~~recipient~~Recipient may file a request to amend its budget for good cause. The Commission will make best efforts to act upon the request within 21 days of receiving the proposed amendment or, if applicable, any supplemental information provided in response to the Commission's request. Any person may provide a response to a proposed budget amendment within ~~14~~7 days of the filing of the request.

(9) The Commission may amend an approved Pre-certified ~~grantee's~~Grant Recipient's budget if it finds that the approved budget is no longer warranted. If the Commission amends an approved budget, it will provide notice to the Pre-certification Fund Grant ~~recipient~~Recipient and afford an opportunity to comment and provide a revised budget.

STATUTORY/OTHER AUTHORITY: ORS 757.072

STATUTES/OTHER IMPLEMENTED: ORS 757.072

AMEND: 860-001-0860

RULE TITLE: Case Fund

RULE SUMMARY: TO COME

RULE TEXT:

(1) Applicants seeking a Case Fund Grant must file a notice of intent and request for case certification to request a Case Fund Grant when it files its petition to intervene or notice of participation in the matter or, for matters that do not involve a formal intervention, at such other time as the Commission designates.

(2) The notice of intent:

(a) Must identify why the applicant meets the eligibility criteria listed in OAR 860-001-0840, explaining why the matter is an Eligible Proceeding. In the alternative, the applicant may identify any prior order deeming the organization an Eligible ~~grantee~~ Recipient and/or deeming the proceeding a Justice Funding Grant Eligible Proceeding and granting Case Certification;

(b) Must be served on each affected Participating Public Utility, all Pre-certified Organizations, and all parties of record in the proceeding;

(c) Must identify the Participating Public Utility account or accounts from which the intervening party intends to request a Case Fund Grant.

(3) Any party or participant in the matter may provide a response to a request for Case Fund certification within 14 days of the filing of the request.

(4) Once certified, a Case Fund certified organization must submit to the Commission a proposed budget for its participation in an Eligible Proceeding. The proposed budget must include a statement of work, estimated eligible expenses, and a description of the Participating Public Utility account or accounts from which the applicant seeks funds and how the initial payment should be apportioned.

(5) A proposed budget must be filed no later than 30 days after the organization and the proceeding have been certified for Case Fund grants or by such other date as the Commission designates. A proposed budget may be filed with the notice of intent and request for case certification.

(6) An applicant may submit a combined proposed budget for related proceedings that are being considered concurrently by the Commission.

(7) If the recipient expects to incur Eligible Expenses for Case Funds in more than one calendar year, the proposed budget may seek funds that will be made available in the next calendar year. In such cases, the proposed budget should identify the amount of funds requested from each year's fund.

(8) Any party or participant in the matter may provide a response to a proposed budget within 147 days of the filing of the proposed budget.

(9) The Commission may approve or deny, in whole or in part, an applicant's proposed budget based

on any of the following factors:

- (a) The proposal is not consistent with the breadth and complexity of the issues;
 - (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 procedural schedule;
 - (d) The dollar magnitude of the issues at stake;
 - (e) The qualifications of the organization and experience before the Commission;
 - (f) The level of available Case Funds remaining for the year; and
 - (g) Other Eligible Proceedings in which other Eligible Recipients may seek additional funds consistent with ORS 757.072(2)(c).
- (10) The Commission will make best efforts to act upon proposed budgets for Case Fund grants within 30 days of receiving the proposed budgets.
- (11) If the Commission receives one or more notices of intent and one or more proposed budgets, then the Commission will determine the amount of Case Fund Grants that will be made available for the Eligible Proceeding and the allocation of that amount among the applicants. The Commission may make these determinations upon the factors described in the Agreement.
- (12) At any time during a proceeding, a Case Fund Grant **recipient** may file to amend its budget and request additional funding due to unforeseen changes in the scope or complexity of issues, positions taken by other parties, changes in the schedule of the case, or other good cause. **Grantees Grant Recipients** with approved budgets in multiple dockets may request to reallocate approved amounts between dockets by filing a request in both dockets. The request must identify the previously approved proposed budget amounts, the amended proposed budget amounts for each docket after reallocation of funds; and the request must explain the purpose for the requested reallocation. Any party or participant in the matter may provide a response to a proposed amendment **within 147 days** of the filing of the request. The Commission will make best efforts to act upon the request **within 21 days** of receiving the proposed amendment or, if applicable, any supplemental information provided in response to the Commission's request.
- (13) The Commission may amend an approved proposed budget if it finds that there has been a material change in the breadth and complexity of the issues, the significance of the policy issues, or the dollar magnitude at stake, such that the initial approved proposed budget is no longer warranted. If the Commission amends an approved proposed budget, it will provide notice to the recipient and afford an opportunity to comment and provide a revised budget. A Commission amendment of an approved proposed budget takes effect on a prospective basis only.
- (14) Pre-certified organizations and organizations who become Case-certified for a specific proceeding

are eligible to receive Case Fund Grants.

(15) The Commission may approve a Case Fund Grant from funds that will be made available in the next calendar year when the proceeding for which the Case Fund Grant is sought is expected to continue into that year and funds in the current year Case Fund are inadequate to provide the level grant that the Commission determines is appropriate.

STATUTORY/OTHER AUTHORITY: ORS 757.072

STATUTES/OTHER IMPLEMENTED: ORS 757.072

AMEND: 860-001-0870

RULE TITLE: Eligible Expenses

RULE SUMMARY: TO COME

RULE TEXT:

(1) Eligible Expenses include:

(a) Actual attorney and consultant fees, whether in-house or for outside services, directly attributable to participation in the proceeding;

(b) Expert witness fees and expenses;

(c) Apportioned wages for in-house staff and operational support directly related to participation in the proceeding;

(d) The cost of investigations and of preparing and copying studies, data request responses and other discovery materials, exhibits, testimony, briefs, and other filings in the proceeding;

(e) Travel costs directly related to participation in the proceeding;

(f) Costs of acquiring studies or supplies directly related to the proceeding or court reporter fees and transcripts;

(g) Costs for education, organization, preparation for and facilitation of community members' participation in proceedings or an individual community member's participation in a proceeding;

(h) Costs of participation in workshops and other informal Commission activities prior to the institution of an Eligible Proceeding; and

(i) Cost of contractors and subcontractors conducting activities that would otherwise constitute an eligible expense under this definition had they been directly incurred by the Grantee.

(j) Costs of educational opportunities for in-house staff to facilitate participation in an Eligible proceeding.

(2) Justice Funding Grants may not be used political activities or fund raising.

(3) Pre-certification grants may not be used for complaint proceedings before the Commission.

STATUTORY/OTHER AUTHORITY: ORS 757.072

STATUTES/OTHER IMPLEMENTED: ORS 757.072

AMEND: 860-001-0890

RULE TITLE: Payment of Grants and Reporting

RULE SUMMARY: TO COME

RULE TEXT:

(1) Upon Commission approval of a Pre-certified Fund grant or approval of a request for payment from a Case Fund, the Participating Public Utilities must pay the amounts granted pursuant to Commission order. The Participating Public Utilities must pay the amount authorized by the Commission no later than 30 days after receipt of the Commission order. Pre-certification fund Grant Recipients should file a notice of release no later than November 17, specifying any funds that the pre-certification fund Grant Recipient intends to release back to the pre-certification fund. The Commission shall issue a final notice to pre-certification fund Grant Recipients requiring all notices of release by December 7 to identify any rollover funds for the subsequent year.

(2) To receive payment of a Case Fund Grant, a granteeGrant Recipient must submit a request for payment of Eligible Expenses to the Commission and serve a copy on the Participating Public Utility from whose account payment is to be made. ~~If the grantee intends to release funds not used, the grantee may file a release of funds~~If the Grant Recipient intends to release funds not used, the grantee may file a release of funds. Case Fund Grant Recipients are encouraged to file a notice of release as soon as possible after resolution of the applicable proceeding and/or their final budget is known. To the extent possible, Case Fund Grant Recipients should file a notice of release no later than November 17, specifying any funds that the Grant Recipient intends to release back to the case fund. In the event that released funds include any amount included in a progress payment previously made, the Grant Recipient must return such funds via a check to the relevant Participating Public Utility's fund within 30 days of the final notice of release.

(3) A request for payment or notice of release of funds for a Case Fund Grant may be made at any time during an Eligible Proceeding, after the Commission has approved the applicable proposed budget, ~~but grantees should file the request for payment and notice of release no later than November 17, at which time the Commission will issue a final notice to grantees requiring all requests for payment and notices of release by December 15. Grantees who fail to file a request for payment or notice of release by December 15 will be deemed to have released any remaining allocated funds back to the applicable Case Fund.~~

(4) The request for Case Fund payment must:

(a) Itemize the expenses, payees and hourly rates for amounts to be reimbursed, including billing details, and including separately identified amounts for consultant or expert witness fees and travel expenses;

(b) Demonstrate that the expenses are reasonable and are directly attributable to issues and positions pursued on behalf of low-income residential customers or Environmental Justice Communities and consistent with the grantee'sGrant Recipient's proposed budget;

(c) Provide information sufficient to show that the ~~grantee~~Grant Recipient has complied with any condition or requirement of the Case Fund Grant; and

(d) Specify whether the request for payment is for a progress payment or final payment in full and indicate whether any approved budget amount may be released back to the applicable Case Fund because the ~~grantee~~Grant Recipient does not intend to request payment for the full approved budget amount.

(5) A request for payment under this section may be made as a progress payment prior to the completion of the activity to be performed consistent with an approved budget; provided that any request for payment prior to completion of the activity may not exceed 50 percent of the applicable approved budget.

(6) Any person may provide a response to a request for payment of a Case Fund Grant or Pre-certification Fund Grant within ~~14~~7 days of the filing of the request. Within 30 days of receiving a request for payment of a Case Fund Grant or Pre-certification Fund Grant, the Commission will make best efforts to review the sufficiency of the request and act upon it. The Commission may disallow a request for payment, in whole or in part, if it determines that the request seeks reimbursement for expenses that are not Eligible Expenses or expenses that are inconsistent with the ~~Grantee's~~Grant Recipient's Case Fund Grant or Pre-certification Fund Grant, or any conditions placed on the Case Fund Grant or Pre-certification Fund Grant.

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(7) On or before each April 1, each Case-Fund ~~recipient~~Grant Recipient who had, during the prior calendar year, a continuing or newly approved Case Fund Grant or pending proposed budget for an Case Fund Grant request must provide a report to the Administrative Hearings Division showing, as of December 31 of the prior calendar year for each Case Fund, their budget requests pending approval, approved budget amounts, requested payments, payments received, amounts actually spent on expenses described in budgets for proceedings in which the intervenor received an Case Fund Grant, and a statement indicating whether any of their approved budget amounts for an Case Fund Grant may be released back to the applicable Case Fund because the grantee does not intend to use the full approved amount.

(8) Each ~~August 1~~November 17 during the term of the Agreement, Pre-certified ~~Organizations~~Grant Recipients will provide the Administrative Hearings Division a statement setting forth the manner in which the Pre-certification Fund Grant was spent or intends to be spent, including information sufficient to show that the funds were spent in a manner consistent with the these rules, whether a request for payment for remaining amounts has been filed, the remaining amount outstanding and whether the remaining amount or any initial amount will be released back to the fund. Each Pre-certified Organization will serve a copy of the report it provides under this section on the applicable Participating Public Utility or Utilities.

(9) Information presented under this rule may be provided by ~~Grantees~~Grant Recipients or Eligible Recipients directly to the ~~Administrate~~Administrative Hearings Division with copies served upon the

relevant Participating Public Utilities and may be designated as confidential and protected from public disclosure by the Commission to the maximum extent possible under the Oregon Public Records Law. The confidential designation will not prevent the applicable Participating Public Utility from reviewing the requests, budgets, or reports. If the order approving a budget imposes confidentiality obligations or if the information is provided pursuant to a protective order, the applicable Participating Public Utility will abide by any such applicable confidentiality obligations. ~~Grantees and eligible Recipients acknowledge that information covered by this rule may be assimilated into reports pursuant to ORS 757.072.~~

(10) The Commission may audit the relevant records of a Grant Recipient as allowed by law and as necessary to verify the accuracy of the information provided by that Grant Recipient within three years of the order approving the grant.

STATUTORY/OTHER AUTHORITY: ORS 757.072

STATUTES/OTHER IMPLEMENTED: ORS 757.072

AMEND: 860-001-0900

RULE TITLE: Recovery of Justice Funding Grants and Cost Allocation

RULE SUMMARY: TO COME

RULE TEXT:

(1) Participating Public Utilities are permitted to recover in rates all amounts paid for Justice Funding Grants.

(a) If a Participating Public Utility seeks rate recovery through a deferred account, the account and amortization of the account is 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 is not included in any calculation of the amortization cap for other deferred accounts.

(b) Amounts in any deferred account under this rule will include carrying costs at the Participating Public Utility's authorized cost of capital.

(c) If the applicable Eligible Proceeding results in a change of rates, Case Fund grants should be incorporated into rates at the same time as the rate change is made.

(d) For Case Fund grants that are not recovered in the Eligible Proceeding in which the funds were expended or when recovering Pre-certification grants, the timing and amortization period for recovering of such Justice Funding Grants will be left to the discretion of the Participating Public Utility, subject to Commission approval.

(2) In a proceeding involving more than one Participating Public Utility, the Commission will apportion the payment among the affected Participating Public Utilities.

(a) Criteria for making this allocation may include the relative gross revenue of the utilities, load, or other such factors as the Commission determines to be relevant to the matter.

(b) Payment will be apportioned to Avista, Cascade, and Idaho Power solely for Case Fund grants for matters affecting low-income residential customers or Environmental Justice Communities in ~~the~~their respective service ~~area~~areas.

(c) Case Fund grants used to advocate positions on behalf of low-income residential customers or Environmental Justice Communities may be assessed as determined by the Commission.

STATUTORY/OTHER AUTHORITY: ORS 757.072

STATUTES/OTHER IMPLEMENTED: ORS 757.072

NOTICE OF PROPOSED RULEMAKING

CHAPTER 860

PUBLIC UTILITY COMMISSION

FILING CAPTION: Revision of Justice Funding Rules

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/31/2025 9:00 AM

NEED FOR THE RULE(S):

Codify changes to agreements and processes

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

To come

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

To come

FISCAL AND ECONOMIC IMPACT:

To come

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

To come

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

To come

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT? Stakeholder input was sought through informal collaborative processes.

CONTACT:

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RULES PROPOSED:

860-001-0800, 860-001-0810, 860-001-0820, 860-001-0830, 860-001-0840, 860-001-0850, 860-001-0860, 860-001-0870, 860-001-0890, 860-001-0900

AMEND: 860-001-0800

RULE TITLE: Purpose Statement

RULE SUMMARY: TO COME

RULE TEXT:

(1) The purpose of OAR 860-001-0800 through OAR 860-001-0900 is to provide guidance for organizations seeking Justice Funding Grants, made available through ORS 757.072, to represent the interests of low-income residential customers or the interests of environmental justice communities in matters at the Oregon Public Utility Commission.

(2) These rules facilitate the administration and implementation of the Environmental Justice Communities Funding Agreement.

(3) Under the agreement, two funds are established for Justice Funding Grants, the Pre-certification Fund and Case Fund. These funds are from the Participating Public Utilities, and the grants under each fund are approved by the Commission.

(4) The Commission may delegate its authority set forth in OAR 860-001-0840, OAR 860-001-0850, OAR 860-001-0860, and OAR 860-001-0890. The delegate's decisions may be appealed to the Commission.

STATUTORY/OTHER AUTHORITY: ORS 757.072

STATUTES/OTHER IMPLEMENTED: ORS 757.072

AMEND: 860-001-0810

RULE TITLE: Definitions

RULE SUMMARY: TO COME

RULE TEXT:

As used in OAR 860-001-0800 through 860-001-0900:

- (1) “Agreement” means the currently effective Environmental Justice Communities Funding Agreement, as adopted by the Commission
- (2) “Case-certified Organization” means an organization the Commission has designated as meeting the requirements of OAR 860-001-0840 and OAR 860-001-0860(6).
- (3) “Case Fund” is a Participating Public Utility fund that is available to a Case-certified organization to reimburse or grant to fund activity in a specific Case-certified matter.
- (4) “Eligible Expenses” are expenses for which Eligible Recipients may request payment consistent with OAR 860-001-0870.
- (5) “Eligible Proceedings” are proceedings the Commission has determined meet the requirements of OAR 860-001-0830.
- (6) “Eligible Recipient” means an organization that represents the interests of either low-income residential customers or communities, or customers that are members of Environmental Justice Communities as defined below. For the purposes of this rule, a low-income community includes, but is not limited to, communities with limited or insufficient financial means to cover basic needs and essential services.
- (7) “Environmental Justice” means equal protection from environmental and health hazards and meaningful public participation in decisions that affect the environment in which people live, work, learn, practice spirituality and play.
- (8) “Environmental Justice Community or Communities” includes communities of color, communities experiencing lower incomes, tribal communities, rural communities, coastal communities, communities with limited infrastructure, and other communities traditionally underrepresented in public processes and adversely harmed by environmental and health hazards, including but not limited to seniors, youth, and persons with disabilities;
- (9) “Grant Recipient” or “Grant Recipients” are Eligible Recipients who have been awarded pre-certification or case funding grants.
- (9) “Justice Funding Grants” are grants from either a Pre-certification Fund or Case Fund made subject to these rules.

(10) “Participating Public Utility or Utilities” means any of the following utilities: Northwest Natural Gas Company, dba NW Natural; PacifiCorp, dba Pacific Power; Portland General Electric Company; Cascade Natural Gas Corporation; Avista Corporation, dba Avista Utilities; and Idaho Power Company.

(11) “Pre-certification Fund” is a Participating Public Utility fund that is available to a Pre-certified Organization to reimburse or fund activity in an Eligible Proceeding.

(12) “Pre-certified Organization” means an organization that the Commission has determined meets the eligibility criteria under ORS 757.072(2)(a)(B) and (C) and in OAR 860-001-0840.

STATUTORY/OTHER AUTHORITY: ORS 757.072

STATUTES/OTHER IMPLEMENTED: ORS 757.072

AMEND: 860-001-0820

RULE TITLE: Funding Amounts and Rollover

RULE SUMMARY: TO COME

RULE TEXT:

(1) The amounts to be made available annually for the Pre-certification Fund and the Case Fund for each utility are set forth in the Agreement.

(2) A balance in any of the Justice Grant Fund accounts that is unused in any year will be carried over at the end of the calendar year and made available for use in succeeding years, except that the amount rolled over to the next year may not exceed the amounts listed in section (1) of this rule.

(3) Up to 70 percent of any balance remaining in any of the Pre-certified Funds after the annual grants are approved may be used for Case Fund grants for that calendar year after approval by the Commission of a request to reallocate these funds.

STATUTORY/OTHER AUTHORITY: ORS 757.072

STATUTES/OTHER IMPLEMENTED: ORS 757.072

AMEND: 860-001-0830

RULE TITLE: Eligible Proceedings

RULE SUMMARY: TO COME

RULE TEXT:

(1) Eligible Proceedings include proceedings before the Commission that affect a Participating Public Utility, its customers and its Environmental Justice Communities including, but not limited to, named, non-docketed Commission led processes, rulemakings, contested cases, declaratory ruling proceedings, contested case proceedings such as rate cases, integrated resource plans and updates, distribution system planning, depreciation dockets, deferrals for projects or pilots and design and implementation of differential rates, the Energy Trust's budget and planning process, and power or purchased gas adjustments; but they do not include complaint proceedings initiated or caused to be initiated by the Grant Recipient.

(2) Justice Funding Grants will not be made available for proceedings involving telecommunications utilities, water utilities, or wastewater utilities unless the proceedings relate to one or more of the Participating Public Utilities.

STATUTORY/OTHER AUTHORITY: ORS 757.072

STATUTES/OTHER IMPLEMENTED: ORS 757.072

AMEND: 860-001-0840

RULE TITLE: Justice Funding Eligibility

RULE SUMMARY: TO COME

RULE TEXT:

(1) An organization meeting the following criteria may be certified by the Commission to be eligible to receive Justice Funding Grants:

(a) The organization 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) The organization identifies the specific Environmental Justice Community or low-income customers it represents and demonstrates that it is able to effectively represent them;

(c) The organization demonstrates 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 Participating Public Utility for which funding is sought and demonstrates how it will identify the issues or advocacy positions that are important to those represented;

(d) When applicable, the organization has demonstrated in past Commission matters its ability to substantively contribute to the record on behalf of such interests; and

(e) In contested case proceedings, the organization demonstrates that its request for funding will not unduly delay the schedule of the proceeding.

(2) In determining if an organization is eligible to receive a Justice Funding Grant, the Commission may also consider whether the organization has significant ties to the Environmental Justice Community or low-income customers in the service area or whether it will facilitate participation by environmental justice or low income organizations or customers with significant ties to the service area of each Participating Public Utility for which the Justice Funding Grant is sought.

(3) Pre-certified and Case-certified Grant Recipients are encouraged to make all reasonable efforts to enter into agreements with each other at any time, including before submitting proposed budgets or after receiving Case Fund Grants, to combine their efforts and resources in a case. Such cooperative efforts shall not affect the amount of their grants.

(4) Upon the filing of a complaint pursuant to ORS 756.500 or upon a Commission investigation or motion pursuant to ORS 756.515, the Commission may terminate the precertification or case-certification of a Grant Recipient, Eligible Recipient , or applicant if it finds that:

(a) The organization has committed fraud, misrepresentation, or misappropriation related to a Justice Funding Grant;

(b) In a proceeding before the Commission for which Justice Funding Grants were awarded to the organization, the organization has consistently failed to represent the interests of the Environmental Justice Community that the organization purported to represent in its application for pre-certification;

(c) The organization has failed to comply with Commission orders or rules in material ways;

(d) The organization no longer meets the criteria established in these rules.

(5) In the event of termination of the pre-certification or case-certification of an organization, such termination shall take effect on a prospective basis only. Organizations that have been decertified may not receive Justice Funding Grants for the term of the agreement. Organizations that have been decertified may recover Eligible Expenses incurred pursuant to a Commission authorized Justice Funding Grant and incurred before decertification, subject to satisfaction of the requirements for payment of grants set forth in the Agreement and these rules.

STATUTORY/OTHER AUTHORITY: ORS 757.072

STATUTES/OTHER IMPLEMENTED: ORS 757.072

AMEND: 860-001-0850

RULE TITLE: Pre-certification Fund

RULE SUMMARY: TO COME

RULE TEXT:

- (1) No more than five eligible organizations will be Pre-certified to receive Pre-certification Fund grants each year.
- (2) Pre-certified Organizations may request an Advance from the Pre-certification accounts in the next year.
- (3) Applications for Pre-certification for the subsequent year must be filed no later than November 17.
- (4) Pre-certification requests must include the following elements:
 - (a) A narrative on why the applicant meets the eligibility criteria set forth in OAR 860-001-0840 or identify a prior order determining that the organization is an Eligible Recipient;
 - (b) The types of matters in which the applicant intends to participate, the nature of that participation, and why these types of matters are Eligible Proceedings;
 - (c) The Participating Public Utility account or accounts from which the applicant seeks funds; and
 - (d) A budget showing estimated Eligible Expenses.
- (5) Any person may provide a response to an application within 14 days of the filing of the application.
- (6) The Commission will make best efforts to review and act upon an application for Pre-certification within 45 days of receipt. The Commission may approve or deny, in whole or in part, the application based on any of the following factors:
 - (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; which must include a description of the Participating Public Utility account or accounts from which the applicant seeks funds and how payments should be apportioned.
 - (d) The eligibility criteria to which the applicant is subject;
 - (e) The qualifications of the applicant and experience before the Commission; and
 - (f) The level of available Pre-certified Funds consistent with the Agreement.

(7) Once Pre-certified, an organization will remain Pre-certified for one year unless the Commission terminates the Pre-certification.

(8) A Pre-certification Fund Grant Recipient may file a request to amend its budget for good cause. The Commission will make best efforts to act upon the request within 21 days of receiving the proposed amendment or, if applicable, any supplemental information provided in response to the Commission's request. Any person may provide a response to a proposed budget amendment within 7 days of the filing of the request.

(9) The Commission may amend an approved Pre-certified Grant Recipient's budget if it finds that the approved budget is no longer warranted. If the Commission amends an approved budget, it will provide notice to the Pre-certification Fund Grant Recipient and afford an opportunity to comment and provide a revised budget.

STATUTORY/OTHER AUTHORITY: ORS 757.072

STATUTES/OTHER IMPLEMENTED: ORS 757.072

AMEND: 860-001-0860

RULE TITLE: Case Fund

RULE SUMMARY: TO COME

RULE TEXT:

(1) Applicants seeking a Case Fund Grant must file a notice of intent and request for case certification to request a Case Fund Grant when it files its petition to intervene or notice of participation in the matter or, for matters that do not involve a formal intervention, at such other time as the Commission designates.

(2) The notice of intent:

(a) Must identify why the applicant meets the eligibility criteria listed in OAR 860-001-0840, explaining why the matter is an Eligible Proceeding. In the alternative, the applicant may identify any prior order deeming the organization an Eligible Recipient and/or deeming the proceeding a Justice Funding Grant Eligible Proceeding and granting Case Certification;

(b) Must be served on each affected Participating Public Utility, all Pre-certified Organizations, and all parties of record in the proceeding;

(c) Must identify the Participating Public Utility account or accounts from which the intervening party intends to request a Case Fund Grant.

(3) Any party or participant in the matter may provide a response to a request for Case Fund certification within 14 days of the filing of the request.

(4) Once certified, a Case Fund certified organization must submit to the Commission a proposed budget for its participation in an Eligible Proceeding. The proposed budget must include a statement of work, estimated eligible expenses, and a description of the Participating Public Utility account or accounts from which the applicant seeks funds and how the initial payment should be apportioned.

(5) A proposed budget must be filed no later than 30 days after the organization and the proceeding have been certified for Case Fund grants or by such other date as the Commission designates. A proposed budget may be filed with the notice of intent and request for case certification.

(6) An applicant may submit a combined proposed budget for related proceedings that are being considered concurrently by the Commission.

(7) If the recipient expects to incur Eligible Expenses for Case Funds in more than one calendar year, the proposed budget may seek funds that will be made available in the next calendar year. In such cases, the proposed budget should identify the amount of funds requested from each year's fund.

(8) Any party or participant in the matter may provide a response to a proposed budget within 7 days of the filing of the proposed budget.

(9) The Commission may approve or deny, in whole or in part, an applicant's proposed budget based on any of the following factors:

- (a) The proposal is not consistent with the breadth and complexity of the issues;
 - (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 procedural schedule;
 - (d) The dollar magnitude of the issues at stake;
 - (e) The qualifications of the organization and experience before the Commission;
 - (f) The level of available Case Funds remaining for the year; and
 - (g) Other Eligible Proceedings in which other Eligible Recipients may seek additional funds consistent with ORS 757.072(2)(c).
- (10) The Commission will make best efforts to act upon proposed budgets for Case Fund grants within 30 days of receiving the proposed budgets.
- (11) If the Commission receives one or more notices of intent and one or more proposed budgets, then the Commission will determine the amount of Case Fund Grants that will be made available for the Eligible Proceeding and the allocation of that amount among the applicants. The Commission may make these determinations upon the factors described in the Agreement.
- (12) At any time during a proceeding, a Case Fund Grant recipient may file to amend its budget and request additional funding due to unforeseen changes in the scope or complexity of issues, positions taken by other parties, changes in the schedule of the case, or other good cause. Grant Recipients with approved budgets in multiple dockets may request to reallocate approved amounts between dockets by filing a request in both dockets. The request must identify the previously approved proposed budget amounts, the amended proposed budget amounts for each docket after reallocation of funds; and the request must explain the purpose for the requested reallocation. Any party or participant in the matter may provide a response to a proposed amendment within 7 days of the filing of the request. The Commission will make best efforts to act upon the request within 21 days of receiving the proposed amendment or, if applicable, any supplemental information provided in response to the Commission's request.
- (13) The Commission may amend an approved proposed budget if it finds that there has been a material change in the breadth and complexity of the issues, the significance of the policy issues, or the dollar magnitude at stake, such that the initial approved proposed budget is no longer warranted. If the Commission amends an approved proposed budget, it will provide notice to the recipient and afford an opportunity to comment and provide a revised budget. A Commission amendment of an approved proposed budget takes effect on a prospective basis only.

(14) Pre-certified organizations and organizations who become Case-certified for a specific proceeding are eligible to receive Case Fund Grants.

(15) The Commission may approve a Case Fund Grant from funds that will be made available in the next calendar year when the proceeding for which the Case Fund Grant is sought is expected to continue into that year and funds in the current year Case Fund are inadequate to provide the level grant that the Commission determines is appropriate.

STATUTORY/OTHER AUTHORITY: ORS 757.072

STATUTES/OTHER IMPLEMENTED: ORS 757.072

AMEND: 860-001-0870

RULE TITLE: Eligible Expenses

RULE SUMMARY: TO COME

RULE TEXT:

(1) Eligible Expenses include:

(a) Actual attorney and consultant fees, whether in-house or for outside services, directly attributable to participation in the proceeding;

(b) Expert witness fees and expenses;

(c) Apportioned wages for in-house staff and operational support directly related to participation in the proceeding;

(d) The cost of investigations and of preparing and copying studies, data request responses and other discovery materials, exhibits, testimony, briefs, and other filings in the proceeding;

(e) Travel costs directly related to participation in the proceeding;

(f) Costs of acquiring studies or supplies directly related to the proceeding or court reporter fees and transcripts;

(g) Costs for education, organization, preparation for and facilitation of community members' participation in proceedings or an individual community member's participation in a proceeding;

(h) Costs of participation in workshops and other informal Commission activities prior to the institution of an Eligible Proceeding; and

(i) Cost of contractors and subcontractors conducting activities that would otherwise constitute an eligible expense under this definition had they been directly incurred by the Grantee.

(j) Costs of educational opportunities for in-house staff to facilitate participation in an Eligible proceeding.

(2) Justice Funding Grants may not be used political activities or fund raising.

(3) Pre-certification grants may not be used for complaint proceedings before the Commission.

STATUTORY/OTHER AUTHORITY: ORS 757.072

STATUTES/OTHER IMPLEMENTED: ORS 757.072

AMEND: 860-001-0890

RULE TITLE: Payment of Grants and Reporting

RULE SUMMARY: TO COME

RULE TEXT:

(1) Upon Commission approval of a Pre-certified Fund grant or approval of a request for payment from a Case Fund, the Participating Public Utilities must pay the amounts granted pursuant to Commission order. The Participating Public Utilities must pay the amount authorized by the Commission no later than 30 days after receipt of the Commission order. Pre-certification fund Grant Recipients should file a notice of release no later than November 17, specifying any funds that the pre-certification fund Grant Recipient intends to release back to the pre-certification fund. The Commission shall issue a final notice to pre-certification fund Grant Recipients requiring all notices of release by December 7 to identify any rollover funds for the subsequent year.

(2) To receive payment of a Case Fund Grant, a Grant Recipient must submit a request for payment of Eligible Expenses to the Commission and serve a copy on the Participating Public Utility from whose account payment is to be made. If the Grant Recipient intends to release funds not used, the grantee may file a release of funds. Case Fund Grant Recipients are encouraged to file a notice of release as soon as possible after resolution of the applicable proceeding and/or their final budget is known. To the extent possible, Case Fund Grant Recipients should file a notice of release no later than November 17, specifying any funds that the Grant Recipient intends to release back to the case fund. In the event that released funds include any amount included in a progress payment previously made, the Grant Recipient must return such funds via a check to the relevant Participating Public Utility's fund within 30 days of the final notice of release.

(3) A request for payment or notice of release of funds for a Case Fund Grant may be made at any time during an Eligible Proceeding, after the Commission has approved the applicable proposed budget.

(4) The request for Case Fund payment must:

(a) Itemize the expenses, payees and hourly rates for amounts to be reimbursed, including billing details, and including separately identified amounts for consultant or expert witness fees and travel expenses;

(b) Demonstrate that the expenses are reasonable and are directly attributable to issues and positions pursued on behalf of low-income residential customers or Environmental Justice Communities and consistent with the Grant Recipient's proposed budget;

(c) Provide information sufficient to show that the Grant Recipient has complied with any condition or requirement of the Case Fund Grant; and

(d) Specify whether the request for payment is for a progress payment or final payment in full and indicate whether any approved budget amount may be released back to the applicable Case Fund because the Grant Recipient does not intend to request payment for the full approved budget amount.

(5) A request for payment under this section may be made as a progress payment prior to the completion of the activity to be performed consistent with an approved budget; provided that any request for payment prior to completion of the activity may not exceed 50 percent of the applicable approved budget.

(6) Any person may provide a response to a request for payment of a Case Fund Grant or Pre-certification Fund Grant within 7 days of the filing of the request. Within 30 days of receiving a request for payment of a Case Fund Grant or Pre-certification Fund Grant, the Commission will make best efforts to review the sufficiency of the request and act upon it. The Commission may disallow a request for payment, in whole or in part, if it determines that the request seeks reimbursement for expenses that are not Eligible Expenses or expenses that are inconsistent with the Grant Recipient's Case Fund Grant or Pre-certification Fund Grant, or any conditions placed on the Case Fund Grant or Pre-certification Fund Grant.

(7) On or before each April 1, each Case-Fund Grant Recipient who had, during the prior calendar year, a continuing or newly approved Case Fund Grant or pending proposed budget for an Case Fund Grant request must provide a report to the Administrative Hearings Division showing, as of December 31 of the prior calendar year for each Case Fund, their budget requests pending approval, approved budget amounts, requested payments, payments received, amounts actually spent on expenses described in budgets for proceedings in which the intervenor received an Case Fund Grant, and a statement indicating whether any of their approved budget amounts for an Case Fund Grant may be released back to the applicable Case Fund because the grantee does not intend to use the full approved amount.

(8) Each November 17 during the term of the Agreement, Pre-certified Grant Recipients will provide the Administrative Hearings Division a statement setting forth the manner in which the Pre-certification Fund Grant was spent or intends to be spent, including information sufficient to show that the funds were spent in a manner consistent with the these rules, whether a request for payment for remaining amounts has been filed, the remaining amount outstanding and whether the remaining amount or any initial amount will be released back to the fund. Each Pre-certified Organization will serve a copy of the report it provides under this section on the applicable Participating Public Utility or Utilities.

(9) Information presented under this rule may be provided by Grant Recipients or Eligible Recipients directly to the Administrative Hearings Division with copies served upon the relevant Participating Public Utilities and may be designated as confidential and protected from public disclosure by the Commission to the maximum extent possible under the Oregon Public Records Law. The confidential designation will not prevent the applicable Participating Public Utility from reviewing the requests, budgets, or reports. If the order approving a budget imposes confidentiality obligations or if the information is provided pursuant to a protective order, the applicable Participating Public Utility will abide by any such applicable confidentiality obligations.

(10) The Commission may audit the relevant records of a Grant Recipient as allowed by law and as necessary to verify the accuracy of the information provided by that Grant Recipient within three years of the order approving the grant.

STATUTORY/OTHER AUTHORITY: ORS 757.072

STATUTES/OTHER IMPLEMENTED: ORS 757.072

AMEND: 860-001-0900

RULE TITLE: Recovery of Justice Funding Grants and Cost Allocation

RULE SUMMARY: TO COME

RULE TEXT:

(1) Participating Public Utilities are permitted to recover in rates all amounts paid for Justice Funding Grants.

(a) If a Participating Public Utility seeks rate recovery through a deferred account, the account and amortization of the account is 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 is not included in any calculation of the amortization cap for other deferred accounts.

(b) Amounts in any deferred account under this rule will include carrying costs at the Participating Public Utility's authorized cost of capital.

(c) If the applicable Eligible Proceeding results in a change of rates, Case Fund grants should be incorporated into rates at the same time as the rate change is made.

(d) For Case Fund grants that are not recovered in the Eligible Proceeding in which the funds were expended or when recovering Pre-certification grants, the timing and amortization period for recovering of such Justice Funding Grants will be left to the discretion of the Participating Public Utility, subject to Commission approval.

(2) In a proceeding involving more than one Participating Public Utility, the Commission will apportion the payment among the affected Participating Public Utilities.

(a) Criteria for making this allocation may include the relative gross revenue of the utilities, load, or other such factors as the Commission determines to be relevant to the matter.

(b) Payment will be apportioned to Avista, Cascade, and Idaho Power solely for Case Fund grants for matters affecting low-income residential customers or Environmental Justice Communities in their respective service areas.

(c) Case Fund grants used to advocate positions on behalf of low-income residential customers or Environmental Justice Communities may be assessed as determined by the Commission.

STATUTORY/OTHER AUTHORITY: ORS 757.072

STATUTES/OTHER IMPLEMENTED: ORS 757.072