

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

AR 680

In the Matter of

Rulemaking to Revise Justice Funding  
Rules.

ORDER

DISPOSITION: ADMINISTRATIVE HEARINGS DIVISION'S  
RECOMMENDATION ADOPTED; RULES ADOPTED

This order memorializes our decision, made and effective at our December 23, 2025 Regular Public Meeting, to adopt the Administrative Hearings Division's recommendation in this matter to adopt proposed permanent rule changes as presented in Attachment A of the AHD Public Meeting Report. The AHD Public Meeting Report with the recommendation is attached as Appendix A.

IT IS ORDERED that:

1. The modifications to the rules as set forth in Appendix A, attached to and made part of this order, are adopted.
2. The amended rules become effective upon filing with the Secretary of State.

Made, entered, and effective Dec 24 2025.



**Letha Tawney**  
Chair



**Les Perkins**  
Commissioner



A person may petition the Public Utility Commission of Oregon for the amendment or repeal of a rule under ORS 183.390. A person may petition the Oregon Court of Appeals to determine the validity of a rule under ORS 183.400.

ITEM NO. RM1

**PUBLIC UTILITY COMMISSION OF OREGON  
AHD REPORT**

**PUBLIC MEETING DATE: December 23, 2025**

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

**DATE:** December 17, 2025

**TO:** Public Utility Commission

**FROM:** Katharine Mapes

**THROUGH:** Diane Davis, Alison Lackey **SIGNED**

**SUBJECT:** OREGON PUBLIC UTILITY COMMISSION ADMINISTRATIVE  
HEARINGS DIVISION (AHD): (Docket No. AR 680) Rulemaking to Revise  
Justice Funding Rules.

**AHD RECOMMENDATION:**

Adopt the proposed amendments to the Division 001 Justice Funding Rules.

**DISCUSSION:**

Issue

Whether the Commission should adopt the proposed amendments to the Division 001 Justice Funding Rules.

Applicable Law or Rule

On September 25, 2021, House Bill (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.

## Analysis

### *Background*

On February 1, 2023, the Commission approved a prior agreement between a number of stakeholders—both the utilities and potential justice funding recipients—implementing the provisions of HB 2475. Around the same time, the Commission adopted Justice Funding Rules in Division 001 that largely tracked the agreement. That agreement expired by its terms on December 31, 2024, but was extended for a period of one year to December 31, 2025.

On October 14, 2025, the Commission approved a successor Justice Funding Agreement to implement justice funding in the years 2026-2030. It also opened a formal rulemaking process to make changes to the Justice Funding Rules in Division 001 that, by and large, tracked changes in the new Justice Funding Agreement. A notice of proposed rulemaking was issued on October 30, 2025. That notice of proposed rulemaking asked for comments on the proposed rules no later than November 24, 2025. No comments were received.

### *Discussion of Specific Recommendations*

The proposed rules are attached to this memorandum as Attachment A.

### *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:

- 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 memorandum in docket UM 2211 seeking comments on the agreement and associated rules on February 24, 2025. Comments in response were filed by numerous entities.<sup>1</sup> Avista Corporation, dba Avista Utilities; and Northwest Natural Gas Company, dba NW Natural, stated that they supported a similar agreement to the current agreement. Community Energy Project, Verde, and Coalition of Communities of Color filed comments asking that pre-certified organizations need not continually demonstrate their eligibility for funding; that the PUC consider consolidating 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 Company sought clarity

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<sup>1</sup> *In the Matter of Public Utility Commission of Oregon, Implementation of House Bill 2475*, Docket No. UM 2211, ALJ Memorandum (Feb. 24, 2025).



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, and the participants subsequently executed the agreement. As noted above, the executed agreement was approved by the Commission on October 14, 2025.

### Conclusion

Because no comments were received during the formal rulemaking process, AHD does not recommend any changes to the proposed rules as they existed at the time the formal rulemaking process was initiated. We therefore recommend adoption of the rules attached as Attachment A.

### **PROPOSED COMMISSION MOTION:**

Adopt proposed amendments to the Division 001 Justice Funding Rules.

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 [GranteeGrant 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~~th~~ in docket UM 227617.

(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 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 ~~Administrative~~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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Salem,OR 97308

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