

ORDER NO. 14 257

ENTERED JUL 09 2014

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

UM 1610

In the Matter of

PUBLIC UTILITY COMMISSION OF  
OREGON

Staff Investigation into Qualifying Facility  
Contracting and Pricing.

ORDER

**DISPOSITION: APPLICATION FOR CASE CERTIFICATION DENIED**

On June 20, 2014, the Small Business Utility Advocates (SBUA) filed a Petition for Case Certification under OAR 860-001-0120(4) and ORS 756.525. No party filed an objection to the request. For reasons explained below, we deny the petition.

**I. DISCUSSION**

To be case certified for purposes of receiving intervenor funding, an organization must meet certain criteria set forth in OAR 860-001-0120(4). We find that SBUA fails to meet at least two of those criteria.

First, OAR 860-001-0120(4)(b) requires that the organization must represent the interests of a broad group or class of customers, and its participation in the proceeding will be primarily directed at public utility rates or terms and conditions of service affecting that broad group or class of customers.

Although SBUA claims that it represents a broad class of small businesses, including those working directly and indirectly in energy related matters and other businesses, a review of its petition makes clear the organization's main purpose is to promote renewable resource development. SBUA emphasizes how renewable energy projects "have a demonstrated economic multiplier effect in communities where such projects are

developed,” and contends that the process of setting terms and conditions of qualifying facility contracts should take into account the benefits that renewable energy projects have on “businesses in the community where a given project is located.”<sup>1</sup> SBUA adds it will focus its expertise in the second phase of this proceeding to contract provisions and interconnection issues pertinent to smaller wind projects, and states that its legal counsel has first-hand experience explaining the context of the sale of electricity produced by renewable energy projects to the Oregon small business community.

SBUA’s petition, as well as a review of its participation in the first phase of this docket, shows that its efforts are focused on prices a utility pays to a qualifying facility selling power to the utility, not utility *customer* rates. We conclude that SBUA’s petition fails to demonstrate that it represents broad *customer* interests for purposes of case certification under our rules.

Second, OAR 860-001-0120(4)(d) requires that, in order to be case certified, the organization’s members, who are customers of one or more of the utilities affected by the proceeding, must contribute a significant percentage of the overall support and funding of the organization.

SBUA’s petition did not include a list of its members and did not demonstrate that its members contribute a significant percentage of the funding of the organization. While SBUA states its members “share expertise as their currency” and provide in-kind “sweat equity,” the petition did not specify that funding is provided. Accordingly, we find that SBUA’s petition fails to adequately identify its members and to demonstrate that those members contribute significant funding to the organization.

## II. CONCLUSION

We have reviewed the petition and find that SBUA does not demonstrate that it meets all of the requisite criteria. The petition for case certification should be denied.

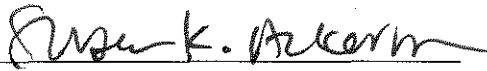
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<sup>1</sup> SBUA Petition for Case Certification at 3.

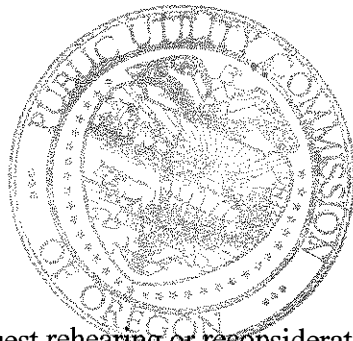
III. ORDER


IT IS ORDERED that the Petition for Case Certification, filed by Small Business Utility Advocates, is denied.

Made, entered, and effective JUL 09 2014

  
Susan K. Ackerman  
Chair

  
John Savage  
Commissioner



  
Stephen M. Bloom  
Commissioner

A party may request rehearing or reconsideration of this order under ORS 756.561. A request for rehearing or reconsideration must be filed with the Commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-001-0720. A copy of the request must also be served on each party to the proceedings as provided in OAR 860-001-0180(2). A party may appeal this order by filing a petition for review with the Court of Appeals in compliance with ORS 183.480 through 183.484.

